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Casano

W. PRICE BANISTER
NANCY F. BANISTER

October 24, 1991

Thomas A. Ryan, Esquire
Lathrop & Norquist
Ste. 2600, 2345 Grand Avenue
Kansas City, MO 64108

RE: United States of America vs. Edward Azrael, et al
Deposition of ANDREW LEE RAGSDALE, SR., taken on 9/20/91
by Triminie Sheldon

Dear Mr. Ryan:

Enclosed is your carbon copy and the original signature page
of the above deposition taken in the above captioned case.

Please have the deponent read the entire deposition and sign
the original signature page. Should any changes or corrections
be necessary, they should be noted on the errata sheets enclosed.
Please also have the errata sheets signed.

When the deponent has read and signed the deposition, kindly
return to our office the signed signature page and signed
errata sheets.

The deponent has thirty days to read and sign. If the transcript
is not read and signed and returned to our office within the
thirty days, the transcript will be released without signature.

Sincerely,
SALOMON REPORTING SERVICE, INC.

Jane Greenlee
Jane Greenlee

JG/hs
Enclosures

9071-2-295

cc: Patricia Casano, Esq.
Robert Brager, Esq.
Robert Abrams, Esq.
Samuel Gutter, Esq.
David Joseph, Esq.

Ronald Byrd, Esq. Thomas Crowe, Esq.
Daniel Masur, Esq. Thomas Karaba, Esq.
James Stewart, Esq. Samuel Bleicher, Esq.
Tom Ligan, Esq. Mark Grummer, Esq.
Inez Reid, Esq.

FAX # 301 539-8696

2 1991

COPY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA, :

Plaintiff :

vs. : CIVIL ACTION

EDWARD AZRAEL, et al., : No. WN-89-2898

Defendants :

Deposition of ANDREW LEE RAGSDALE, SR.,
taken on Friday, September 20, 1991, at 9:40 a.m.,
at the offices of Piper & Marbury, 36 South
Charles Street, Baltimore, Maryland, before
Triminie M. Shelton, Notary Public.

Reported by:

Triminie M. Shelton

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1 APPEARANCES:

2
3 Patricia K. Casano, Esquire,

4 Andrew S. Goldman, Esquire,

5 On behalf of the United States

6 Environmental Protection Agency

7 Pamela D. Marks, Esquire,

8 On behalf of the State of Maryland,

9 Department of the Environment

10 Ronald D. Byrd, Esquire,

11 On behalf of Defendant Baltimore

12 Gas & Electric Company

13 Parker E. Brugge, Esquire,

14 On behalf of Defendant Canton Company

15 of Baltimore

16 Thomas A. Ryan, Esquire,

17 On behalf of Defendant

18 Browning-Ferris, Inc.

19
20
21
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1 APPEARANCES: (Continued)

2
3 Mark E. Grummer, Esquire,

4 On behalf of Defendant General
5 Motors Corporation

6 Samuel I. Gutter, Esquire,

7 On behalf of Defendant AT&T
8 Technologies, Inc.

9 Daniel A. Masur, Esquire,

10 Kim Montroll, Esquire,

11 On behalf of Defendant City of
12 Baltimore

13 B. Mark Hausman, Esquire,

14 On behalf of Defendant Kewanee
15 Industries

16 Thomas L. Crowe, Esquire,

17 On behalf of Defendant PORI
18 International, Inc., specially
19 appearing for Anchor Post
20 Products, Inc.

21

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ORIGINAL
(Red)

1 APPEARANCES: (Continued)

2 Robert Brager, Esquire,

3 On behalf of Defendant Sweetheart
4 Cup Company, Inc.

5 Thomas F. Karaba, Esquire,

6 On behalf of Defendant The O'Brien
7 Corporation

8 Robert G. Abrams, Esquire,

9 On behalf of Defendant Exxon Corporation

10 James Stewart, Esquire,

11 On behalf of Defendant Beatrice
12 Companies

13 Nancy J. Larson, Esquire,

14 On behalf of Defendant Container
15 Corporation of America

16 Samuel A. Bleicher, Esquire,

17 Richard S. Moskowitz, Esquire,

18 On behalf of Defendant Allied-Signal,
19 Inc.

20 Tom Langan, Esquire

21 On behalf of Defendant Armco Steel

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ORIGINAL
5 (enc)

1 APPEARANCES: (Continued)

2

3 David Joseph, Esquire,

4 On behalf of Defendants Crown Cork &

5 Seal and HM Holding

6

7 ALSO PRESENT:

8 Derrick D. Vallance

9

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STIPULATION

It is stipulated and agreed by and between counsel for the respective parties that the filing of this deposition with the Clerk of Court is hereby waived.

(Whereupon, Ragsdale Deposition Exhibit No. 1, affidavit, marked.)

(Whereupon, Ragsdale Deposition Exhibit No. 2, transcript of interview, marked.)

ANDREW LEE RAGSDALE, SR.,
being first duly sworn to tell the truth, the whole truth, and nothing but the truth, testified as follows:

EXAMINATION BY MS. CASANO:

Q. Good morning, Mr. Ragsdale. I am Pat Casano and I am with the Justice Department. I am representing the Environmental Protection Agency.

Has your counsel explained to you why you have been asked to come here today?

A. Yes.

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1 Q. So you know that we are here to try to
2 obtain information that you may have concerning
3 the operation of Sauer's landfill during the 1960s
4 and the early 1970s?

5 A. Yes.

6 Q. You may feel like you are on trial
7 during the questioning, but you are not on trial,
8 so to the extent you can, try to relax.

9 A. Okay.

10 Q. If you need to take a break at any
11 point, just let your counsel know and he will let
12 the rest of us know. If you don't understand any
13 of the questions that you are asked, just indicate
14 that and whoever is asking the question will try
15 to rephrase it so that you can understand it.

16 If you would try to remember to answer
17 the questions orally as opposed to nodding your
18 head, that will enable the court reporter to make
19 a complete record.

20 Are you taking any medications
21 currently, Mr. Ragsdale?

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1 A. No, not right now.

2 Q. Mr. Ragsdale, do you recall being
3 interviewed last year by Mr. Robert Gulley and
4 several other attorneys?

5 A. Yes.

6 Q. Do you recall that Mr. Gulley was
7 counsel for Browning-Ferris?

8 A. Yes.

9 Q. Do you recall that the interview was
10 recorded by a court reporter?

11 A. Yes.

12 Q. And at the beginning of that interview,
13 were you sworn to tell the truth, the whole truth
14 and nothing but the truth?

15 A. Yes.

16 Q. And during the interview, did you tell
17 the truth, the whole truth and nothing but the
18 truth?

19 A. As far as my ability, yes.

20 Q. Okay. Now I am going to get an
21 objection, but I will ask it again. Were your

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1 answers to the questions that you gave during that
2 interview based on your personal knowledge?

3 MR. ABRAMS: Object to the form of the
4 question, overbroad, compound, please break it
5 down.

6 Q. You can answer.

7 A. As far as I know, yes.

8 Q. Was the information that you provided
9 during that interview based on information that
10 you acquired while you were employed by Robb
11 Tyler, Inc.?

12 MR. ABRAMS: Same objections.

13 A. Yes.

14 Q. And was that information also acquired
15 while you were employed by Browning-Ferris, Inc.?

16 MR. ABRAMS: Same objections.

17 A. Yes.

18 MR. MASUR: Pat, could you ask the
19 witness to speak up.

20 Q. Mr. Ragsdale --

21 A. Yes, okay.

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1 Q. Mr. Ragsdale, I am going to show you a
2 document that has been marked Ragsdale Exhibit No.
3 2. This is the transcript of the interview and I
4 ask you if you would look at the cover page,
5 please.

6 A. This right here?

7 MR. RYAN: Yes.

8 Q. Have you seen Exhibit 2 before, Mr.
9 Ragsdale?

10 A. What is Exhibit 2?

11 Q. I am sorry?

12 A. No. I haven't seen Exhibit 2.

13 Q. You have not seen this before?

14 A. No.

15 Q. Did you review any documents in order
16 to prepare for the deposition today?

17 A. No.

18 Q. Exhibit 2, Mr. Ragsdale, is a
19 transcript of the interview that was recorded by
20 the court reporter last year. It was produced to
21 us by counsel for General Motors in connection

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1 with this litigation, and I will be asking you to
2 refer to it from time to time during the course of
3 the questioning today.

4 I am going to hand you another exhibit,
5 Mr. Ragsdale, which has been marked Ragsdale
6 Exhibit 1, and if you would look at that, please.

7 Have you seen Exhibit 1 before, Mr.
8 Ragsdale?

9 A. Yes.

10 Q. What is Exhibit 1, please?

11 A. It is an affidavit.

12 Q. That is an affidavit that you signed?

13 A. Yes.

14 Q. If you will turn to page 3 of the
15 affidavit, I would like you to read paragraph 19.

16 A. "I hereby swear that the contents of
17 this affidavit are true and correct and are based
18 on my personal knowledge."

19 Q. And was that a true statement when you
20 signed the affidavit?

21 A. Yes, it was.

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1 Q. Okay. Thank you.

2 During the course of the questioning,
3 Mr. Ragsdale, I am going to be using the term
4 "waste" a lot, and I noticed from reading the
5 transcript of the interview that you make a
6 distinction between waste and trash. I don't
7 intend to make that distinction. As I will use
8 the term, waste will mean essentially anything
9 that anybody was throwing away or getting rid of.
10 If you think it is important to me to distinguish
11 between waste and trash at any particular point,
12 certainly feel free to do so in your answer or to
13 ask me to ask the question with the distinction,
14 okay?

15 Turning your attention to Exhibit 1,
16 which is the affidavit, paragraph 2, you state
17 that you were employed as a driver by Robb Tyler,
18 Inc. on July 6, 1965; is that correct?

19 A. That is correct.

20 Q. Okay. How long did you work for Tyler?

21 A. I worked for Tyler from 1965 to, BFI

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1 took over in 1971.

2 Q. And at that time you became an employee
3 of BFI?

4 A. Yes.

5 Q. Did your duties change at all when you
6 became an employee of BFI?

7 A. No, it didn't.

8 Q. You were employed as a truck driver by
9 Robb Tyler; is that correct?

10 A. Right.

11 Q. And Robb Tyler was a waste hauling and
12 disposal business?

13 A. Yes.

14 Q. Did Robb Tyler have any other kind of
15 business?

16 A. I don't know.

17 Q. Okay. BFI is a waste hauling and
18 disposal business also, is it not?

19 A. Yes.

20 Q. During the 1960s and the early 1970s,
21 were you assigned to service particular customers?

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1 A. Yes, I was.

2 Q. Okay. Was General Motors one of your
3 regular customers?

4 A. It was not a regular customer of mine,
5 but I have serviced it.

6 Q. Was Western Electric one of your
7 regular customers?

8 A. Same. It was not a regular customer, I
9 have serviced it.

10 Q. How about Baltimore Gas & Electric?

11 A. I never served Baltimore Gas &
12 Electric.

13 Q. Okay. Did the list of customers, or
14 did the customers that you serviced change over
15 the years, or have you serviced the same customers
16 throughout the time that you have been employed by
17 Robb Tyler and Browning-Ferris?

18 A. I don't know what you mean by changed.

19 Q. Have you always gone to the same
20 companies to remove waste, or have you handled
21 different companies at different times?

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1 A. Different companies at different
2 times.

3 Q. Okay. Who tells you which companies to
4 go to?

5 A. Dispatch.

6 Q. Is that how that is done? Do you get
7 some sort of a written notice telling you to start
8 going to a particular customer or was that done
9 orally?

10 A. It was done, most times when we leave
11 in the morning, they give us two or three and then
12 you ask the dispatcher where he wants you to go in
13 the course of a day.

14 Q. Did you get different customers
15 frequently, or would you handle the same customers
16 for a long period of time and then maybe get a new
17 customer?

18 A. I would say we had customers over a
19 long period of time, then as the customers come
20 in, we get a new one. I wouldn't say I would get
21 them, anybody could get them. Any driver.

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1 Q. Are you servicing any customer now that
2 you were servicing back in the 1960s?

3 A. No, because I am a front-end operator
4 now. I was a roll-off then.

5 Q. Front end is a different type of truck?

6 A. Yes.

7 Q. When you first started hauling waste
8 for Robb Tyler, who told you where to take a
9 customer's waste?

10 A. When I first started hauling away for
11 Robb Tyler?

12 Q. Right.

13 A. We had Robb Tyler's own dump, I mean
14 landfill, and we would take it to his landfill.

15 Q. He had more than one landfill, did he
16 not?

17 A. Not as far as -- I don't remember. He
18 had one landfill.

19 Q. Well, which landfills did you use back
20 in the 1960s?

21 A. Wait a minute. Robb Tyler had two

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1 landfills, one over the west side, one on the east
2 side. In the '60s, I used the Reedbird Landfill
3 of Robb Tyler.

4 Q. Were you ever told not to use a
5 landfill that didn't belong to Robb Tyler?

6 MR. RYAN: By anybody?

7 MS. CASANO: By anybody.

8 A. No, I haven't.

9 Q. Okay, did any of your customers ever
10 tell you where to take waste?

11 A. No.

12 Q. Turning your attention to paragraph 3
13 of your affidavit, you state: "My routes
14 generally were on the west side of Baltimore.
15 Accordingly, I primarily used the Patapsco and
16 Brooklyn Landfills as well as a landfill located
17 on Frankford Avenue."

18 Now, I am also going to direct your
19 attention to Exhibit 2, Mr. Ragsdale, page 9,
20 beginning with line 1. You were asked:

21 "Question: Let me try to qualify that

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1 by saying that when you first started, when you
2 were driving a rear-end loader, what landfills
3 were you using for Robb Tyler?

4 "Answer: When I first went to drive,
5 what you call it, in Rosedale.

6 "Question: Rosedale?

7 "Answer: Yes.

8 "Question: Where is that located?

9 "Answer: Located on Pulaski Highway.

10 "Question: That is located now
11 currently where BFI is located?

12 "Answer: Yes.

13 "Question: There were several dumping
14 areas there known by different names?

15 "Answer: Yes.

16 "Question: They call one part of it the
17 Quad Avenue part?

18 "Answer: Quad Avenue part.

19 "Question: North Point?

20 "Answer: And North Point.

21 "Question: And collectively one would

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1 refer to it as the Rosedale Landfill?

2 "Answer: Right.

3 "Question: And what other landfills
4 were you using?

5 "Answer: On occasion I used the Sauer
6 Landfill, S-a-u-e-r.

7 "Question: All right.

8 "Answer: The Reedbird Landfill.

9 "Question: Now, the Sauer Landfill, is
10 that located at the corner of Kane and North
11 Point?

12 "Answer: Corner of Kane and North
13 Point.

14 "Question: The Reedbird Landfill, where
15 is that located?

16 "Answer: Patapsco Avenue between
17 Hanover and Annapolis Road.

18 "Question: Is that the southwest part
19 of the city?

20 "Answer: Southwest part of the city.

21 "Question: Did you ever use the

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1 Baltimore incinerator?

2 "Answer: I never used Baltimore
3 incinerator.

4 "Question: Did you ever use a dump run
5 by Mr. Siejack?

6 "Answer: I used one, yes.

7 "Question: Where was that?

8 "Answer: Off of Frankford Avenue, not
9 too far from right on the water."

10 And that is the end of the quotation.

11 When you compare paragraph 3 of your
12 affidavit, Mr. Ragsdale, to the text that we just
13 read in Exhibit 2, you will see that the affidavit
14 indicates that you primarily used the Patapsco and
15 the Brooklyn landfills, but the transcript, and
16 the transcript mentions the Rosedale Landfill but
17 not the Brooklyn Landfill. Was the Rosedale
18 Landfill the Brooklyn Landfill?

19 A. No.

20 Q. Okay. Where was the Brooklyn Landfill?

21 A. The Brooklyn Landfill was between

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1 Patapsco and Annapolis Road, on Patapsco Avenue.

2 Q. So there were two landfills located on
3 Patapsco Avenue?

4 A. The City had one on the left side and
5 Robb Tyler had one on the right side.

6 Q. Okay. Maybe the quickest way to do
7 this is to just ask you. What do you now, which
8 landfills do you recall as of today that you used
9 during the 1960s?

10 A. Patapsco mostly. The Patapsco --
11 Reedbird, I mean. I call it Patapsco. Reedbird
12 Landfill.

13 Q. And did you ever haul to the Rosedale
14 Landfill during the 1960s?

15 A. Yes.

16 Q. And did you ever haul to the Sauer
17 Landfill during the 1960s?

18 A. Occasionally.

19 Q. Okay. Do you know if the Reedbird
20 Landfill was open continuously during the 1960s?

21 A. Yes, it was open continuously during

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1 the 1960s.

2 Q. How about the Brooklyn Landfill?

3 A. We talking about the same landfill.

4 Q. That is the same one, okay. Was the
5 Frankford Avenue landfill open continuously during
6 the 1960s?

7 A. All I know, that was open. How long, I
8 don't know how long. It was owned by somebody
9 else.

10 Q. Was that known by any name other than
11 Frankford Avenue?

12 A. Siejack.

13 Q. Mr. Ragsdale, where do you live?

14 A. 2318 East Biddle Street.

15 Q. Where is that located in Baltimore?

16 A. East Baltimore.

17 Q. How far is your residence from -- I am
18 sorry, is that where you were living during the
19 1960s and the early 1970s?

20 A. I was living 1202 North Bradford
21 Street. Ain't but a block difference.

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1 Q. So in the 1960s and the early 1970s,
2 you were living in east Baltimore?

3 A. Yes.

4 Q. Would you say that your residence in
5 the 1960s and early 1970s -- strike that. Let me
6 ask it differently.

7 Of the landfills that you have
8 mentioned, the Sauer Landfill, the Rosedale
9 Landfill, the Patapsco Landfill, which of those
10 was closest to your home?

11 A. I would say the Rosedale.

12 Q. Rosedale. Did you pass any of those
13 landfills when you were driving home on your way
14 from work?

15 A. No.

16 Q. Turning your attention to paragraph 4
17 of your affidavit, you state, "I am familiar with
18 the Sauer Landfill which was located near the
19 intersection of Kane and North Point Road. I used
20 the Sauer Landfill sporadically throughout the
21 late 1960s, primarily on Saturdays or when the

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1 Rosedale Landfill was not available."

2 I take it that the Sauer Landfill was
3 open on Saturdays?

4 A. Yes.

5 Q. Do you recall what hours the Sauer
6 Landfill was open on Saturdays?

7 A. I can't, I couldn't say.

8 Q. Was the Rosedale Landfill open on
9 Saturdays?

10 A. Rosedale, when I used the Sauer
11 Landfill, the Rosedale Landfill was closed.

12 Q. Did you use Sauer's landfill only when
13 the Rosedale Landfill was closed?

14 A. Yes.

15 Q. There was never a time when you used
16 the Sauer Landfill that the Rosedale Landfill was
17 open?

18 A. Not as far as I can remember.

19 Q. Okay. We have talked to several
20 witnesses, well, at least one witness, in addition
21 to yourself, who has talked about taking things to

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1 Sauer's landfill specifically on Saturdays, and we
2 are curious as to why that is, whether there was
3 something special about Saturdays. Is there
4 anything that stands out in your mind that you can
5 recall about dumping at Sauer's landfill on
6 Saturdays?

7 A. No, I wouldn't say nothing special
8 about it, but I know back when the dispatcher
9 dispatched me to Sauer Landfill, I mean, the stop
10 was closer and that is the only way we did the
11 dump on Saturday at the time.

12 Q. Did you ever dump on the west side of
13 the city? Let me be a little more specific: Did
14 you ever dump at Reedbird on Saturdays?

15 A. Yes.

16 Q. During the 1960s, Mr. Ragsdale, can you
17 tell us when the Rosedale Landfill was closed?

18 A. I just can't point to the day and the
19 month right now, I don't know.

20 Q. I am going to turn your attention to
21 Exhibit 2, page 14, beginning with line 3. You

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1 were asked:

2 "Question: Now, you have told us about
3 which dumps you used when you first started
4 working, and do you recall when the Rosedale
5 Landfill closed?

6 "Answer: I cannot -- the exact date, I
7 cannot.

8 "Question: Let me ask you this. We can
9 establish for the record when it closed, but when
10 the Robb Tyler landfill closed, where did you take
11 the waste during that period when it was closed?

12 "Answer: As far as I can remember, when
13 they closed, we hauled there to Sauer for a
14 certain amount of time.

15 "Question: And did you stop hauling to
16 Sauer's then? You say a short period of time?

17 "Answer: A short period of time. After
18 Norris Farms opened, we started there.

19 "Question: If we were able to establish
20 what date the Rosedale Landfill closed, there
21 would be a short time at Sauer's and you started

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1 going to Norris Farms?

2 "Answer: Yes.

3 "Question: Where is that located?

4 "Answer: North Point Road.

5 "Question: Do you remember when that
6 opened?

7 "Answer: Between August and September,
8 I believe.

9 "Question: I think you told me sometime
10 that you know very well, you might not be able to
11 remember the exact date, but you remember because
12 you drove the first load to Norris Farm?

13 "Answer: Yes.

14 "Question: You said you didn't know
15 exactly the date, but you said August. Why is it
16 you are pretty sure it is in the late summer?

17 "Answer: It was late summer.

18 "Question: Didn't you tell me one time
19 you were sure --

20 "Answer: They had tomatoes and stuff
21 growing up.

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1 "Question: It was a farm that they were
2 using part for dumping?

3 "Answer: Yes. There was a farm down
4 there.

5 "Question: You are pretty sure it was
6 late in the summer, maybe early in the fall,
7 because there was fruit, vegetables and all?

8 "Answer: Yes.

9 "Question: Do you have any kind of a
10 guess as to how long the -- what period of time
11 elapsed between the time the Rosedale Landfill
12 closed, excuse me, and the Norris Farm Landfill
13 opened?

14 "Answer: Well, I said three to four
15 months, the best of my recollection."

16 And that is the end of the quotation.

17 Is that testimony still correct to the
18 best of your recollection?

19 A. To the best of my knowledge, yes.

20 Q. Nothing has occurred to you since you
21 gave that testimony, Mr. Ragsdale, that has

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1 enabled you to remember more specifically when
2 Norris Farms may have opened?

3 A. No.

4 Q. Okay. I think that a number of people,
5 including myself, will be asking you questions
6 today concerning the use of Sauer's landfill
7 during the time that Rosedale was closed and
8 Norris Farm had not yet opened, and just to save
9 some time, I am going to refer to that period of
10 time as the four-month period, so whenever I ask
11 you a question about the four-month period, what I
12 will be referring to is that, however long that
13 stretch of time was between the time Rosedale
14 closed and Norris Farms opened.

15 MR. RYAN: Before you called it the
16 three-month period, but --

17 MS. CASANO: I know. I am taking
18 advantage of the testimony.

19 MR. BRAGER: Pat, why don't you just
20 call it the window period.

21 MS. CASANO: I thought about that and I

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1 thought I wouldn't be too much of a hog, so,
2 okay.

3 Q. During that four-month period, did
4 Tyler's drivers take all of the waste that had
5 gone to Rosedale to Sauer's landfill?

6 A. I can only say what I took for a short
7 period of time because I was working the west side
8 of town and they were working the east side of
9 town. So I can't answer that question. Only
10 thing I can say is what I took there on Saturday.

11 Q. Was there any other landfill -- I am
12 sorry. I probably did not mark this page, so
13 strike that.

14 Do you know whether Robb Tyler drivers
15 used any other landfill, any landfill other than
16 Sauer's landfill on the east side of Baltimore
17 during the four-month period?

18 A. I don't know.

19 Q. Was there any other landfill that would
20 have been available to Tyler's drivers on the east
21 side of Baltimore during that period?

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1 A. Not to the best of my recollection, I
2 don't think so.

3 Q. Okay. All right. During the 1960s and
4 the early 1970s, did you personally make any
5 distinction between hazardous waste and
6 nonhazardous waste?

7 MR. RYAN: Once again, Pat, I think you
8 may want to clarify the form.

9 She means in your own mind, when you
10 picked up waste, did you have, did you notice what
11 was hazardous and what was not hazardous.

12 Q. I am not using hazardous in a technical
13 sense, but hazardous more from the standpoint of
14 something you would have regarded as dangerous.

15 A. I understand what you are talking
16 about, but back in the '60s and '70s, they didn't
17 separate nothing. We hauled anything. So what
18 was in the can, we hauled it. Whether it was
19 hazardous or not, I don't know.

20 Q. I take it, then, you never observed any
21 instance where a customer had separated dangerous

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1 or hazardous wastes from nonhazardous wastes?

2 A. No.

3 MR. RYAN: At least intentionally.

4 Q. Either intentionally or accidentally?

5 A. No.

6 Q. Okay. Did anyone ever tell you that a
7 waste was dangerous and ought to be handled
8 carefully?

9 A. No.

10 Q. Turning to paragraph 5 of your
11 affidavit you state that, "The Sauer Landfill had
12 a shack at the entrance to the landfill where I
13 received a gate receipt."

14 Do you recall where that shack was
15 located?

16 A. The best of my knowledge, it was right
17 off when you are turning off Kane Street -- yes,
18 Kane Street, the shack was a little bit to your
19 right, as far as I can remember.

20 Q. Did the shack sit right on Kane Street,
21 or did you have to drive some distance before you

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1 reached the shack?

2 A. Well, you drove a little distance
3 before you reached the shack off of Kane Street.

4 Q. About how far back from Kane Street
5 would you say the shack was?

6 A. I don't really, I couldn't say right
7 now. It has been a long time. I couldn't say
8 right now.

9 Q. Would you say that the shack sat in the
10 middle of the landfill?

11 A. I can't answer that either. I don't
12 know.

13 Q. How many entrances did the Sauer
14 Landfill have, Mr. Ragsdale, during the '60s and
15 early '70s?

16 A. As far as I can recall, it was one.

17 Q. And that was on Kane Street?

18 A. Yes. Off of Kane Street.

19 Q. I take it that you never entered the
20 Sauer Landfill from North Point Road?

21 A. Well, in order to get on Kane Street,

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1 you got to get on North Point Road.

2 Q. Right, but to get into the landfill,
3 did you ever drive directly into the landfill from
4 North Point Road, or did you always go by way of
5 Kane Street?

6 A. Like I said, in order to get off Kane
7 Street, Kane Street, you got to get off North
8 Point Road.

9 Q. Let me rephrase this. Did you ever
10 enter the landfill from North Point Road without
11 going onto Kane Street?

12 A. No.

13 Q. Do you recall seeing a fence around any
14 portion of the landfill?

15 A. I think I did. I can't -- I think I
16 did.

17 Q. Would that have been just around part
18 of the landfill or the entire landfill?

19 A. It wasn't around the landfill, it was
20 on, the fence I saw, I think it was, if I saw any
21 fence at all, beneath some plum trees is all I

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1 know.

2 Q. Beneath some plum trees. Okay.

3 A. But it wasn't around the landfill, it
4 didn't cover the landfill.

5 Q. Did you ever see any fires when you
6 went to Sauer's landfill?

7 A. Never seen a fire at the time I was
8 there.

9 Q. When you went to Sauer's landfill, I am
10 sorry, turning your attention back to paragraph 5
11 of your affidavit, you say, "There were no scales
12 at the landfill, but after I drove into the dump,
13 someone was there to direct where to dump."

14 Do you remember who told you where to
15 dump?

16 A. They had a guy called a spotter and
17 this guy would direct you to where you dumped the
18 waste at.

19 Q. Was it always the same person or did it
20 change from day to day?

21 A. It changed.

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1 Q. Do you remember the names of any of the
2 persons who worked as spotters?

3 A. No, I don't.

4 Q. Did the spotters just stand on the
5 ground or were they in a building or on a vehicle?

6 A. A spotter had to be on the ground in
7 order to direct you where you were going to dump
8 at.

9 Q. Did anyone who was driving a bulldozer
10 ever tell you where to dump at Sauer's landfill?

11 A. The bulldozer operator tell the spotter
12 and the spotter tell you where to dump it.

13 Q. How did the bulldozer operator
14 communicate with the spotter?

15 A. I don't know. I am a truck driver, I
16 don't know.

17 Q. Did you notice, did the spotter have a
18 walkie-talkie, for example?

19 A. I never seen one.

20 Q. When you drove into the dump and after
21 you received the gate receipt, did you drive

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1 further back into the landfill before you dumped
2 your load?

3 A. After you drive into the landfill and
4 you receive your receipt, you go back. The
5 spotter be telling you where to come out and he
6 tell you where to dump at.

7 Q. Okay. Are you familiar with Patterson
8 High School, Mr. Ragsdale?

9 A. Yes. I am familiar with Patterson High
10 School.

11 Q. When you drove into the landfill, were
12 you able to see Patterson High School?

13 A. Yes, you could see Patterson High
14 School.

15 Q. Did you drive in the direction of
16 Patterson High School?

17 MR. RYAN: You mean every time or
18 ever?

19 Q. Ever. Did you ever drive toward
20 Patterson High School after you entered the dump?

21 A. Yes, I have.

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1 Q. How close would you say you came to
2 Patterson High School when you were dumping at
3 Sauer's landfill?

4 A. I would say, to the best of my
5 recollection, I would say three city blocks.

6 Q. Three city blocks, okay. Are you
7 familiar with the baseball fields that are located
8 by Patterson High School?

9 A. Yes.

10 Q. Could you see those baseball fields?

11 MR. MASUR: Objection. I wonder if you
12 can distinguish between the two sets of baseball
13 fields.

14 Q. Okay. Do you know how many baseball
15 fields there are at Patterson High School?

16 MR. RYAN: When?

17 Q. Back in the 1960s?

18 A. No, I don't.

19 MS. CASANO: Let me think about that.

20 MR. MASUR: Okay.

21 MR. BLEICHER: You want to show him on

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1 the picture?

2 MS. CASANO: I am not quite ready to do
3 that, so let me ask you a different question.

4 Q. Mr. Ragsdale, are you familiar with the
5 tennis courts at Patterson High School?

6 A. No.

7 Q. Are you familiar with the baseball
8 fields at Patterson High School that are right
9 along Kane Street?

10 A. That is the only one I am familiar
11 with.

12 Q. And those baseball fields were there
13 when you dumped at Sauer's landfill?

14 A. I think they were. I am not for sure.
15 I am not for sure.

16 Q. Assuming that they were there, do you
17 recall how close you came to the baseball fields
18 when you dumped at Sauer's landfill?

19 A. If they were there, I would say two
20 blocks.

21 Q. Two blocks, okay. Now, after you

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1 dumped a load at Sauer's landfill, what happened
2 to it?

3 A. After you dump the load, the bulldozer
4 operator would bury it and then cover it up. I
5 mean, bury and cover up is the same thing.

6 Q. Did that involve pushing the load
7 around?

8 A. Pushing the load around into a hole or
9 something.

10 Q. Was that a hole that had been dug by a
11 bulldozer?

12 A. I think it had, yes.

13 Q. Did you always dump into a hole at
14 Sauer's landfill?

15 A. Mostly, yes.

16 Q. Was it actually a hole, Mr. Ragsdale,
17 or would it have been a slope at the edge of the
18 dumping area?

19 MR. RYAN: If you can make that
20 distinction. I am not sure what the distinction
21 is.

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1 A. It was a, something like a hole. They
2 pushed it into this hole to the slope. After you
3 fill the hole up, that thing is pushed toward the
4 slope.

5 MS. CASANO: I am sorry, could you read
6 that answer back, please.

7 (The record was read by the reporter.)

8 MS. CASANO: If you bear with me for a
9 minute.

10 Q. When you drove into the landfill, was
11 it a relatively flat surface that you drove on,
12 was it relatively level?

13 A. Sometimes. Sometimes it was level,
14 sometimes it wasn't.

15 MR. RYAN: Pat, I want to make sure,
16 are we talking just about Sauer's dump or --

17 Q. I am sorry, yes, when you drove into
18 Sauer's landfill, was it relatively level?

19 A. Sometimes.

20 Q. Sometimes, okay. To the extent that it
21 was not level, was that because waste had been

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1 piled to varying heights, or was that because it
2 was a naturally hilly or irregular surface?

3 A. It was because it was an irregular
4 surface.

5 Q. So when you talk about dumping into a
6 hole, are you talking about dumping into a
7 naturally occurring hole that was there because it
8 was an irregular surface?

9 MR. RYAN: Let me object. I don't know
10 if he is going to be able to identify where the
11 hole came from. He already said it was caused by
12 a bulldozer, but with that objection, give your
13 best answer.

14 A. Like I said, I don't know. The
15 bulldozer, I think they dig these holes and you
16 back up and fill them up, and that is all I know,
17 because I don't build the landfill.

18 Q. Do you know a gentleman by the name of
19 Edgar Smith?

20 A. Yes.

21 Q. How do you know Mr. Smith?

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1 A. He was an operator, heavy equipment
2 operator, bulldozer operator.

3 Q. He worked for Robb Tyler?

4 A. He worked for Robb Tyler.

5 Q. Did he work at Sauer's landfill when
6 you were dumping there?

7 A. Sometime.

8 Q. Did he operate a bulldozer at Sauer's
9 landfill?

10 A. Yes.

11 Q. Did Mr. Smith ever tell you where to
12 dump your load when you were at Sauer's landfill?

13 A. The few times I was there, his spotter
14 would tell us where to dump at the landfill. He
15 would tell his spotter and the spotter tell us
16 where to dump at.

17 Q. When you dumped at Sauer's landfill,
18 was Mr. Smith the only bulldozer operator who was
19 operating a bulldozer then?

20 A. I don't think so.

21 Q. Do you recall whether the other

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1 bulldozer operator ever told the spotter where you
2 ought to dump a load?

3 A. I don't know.

4 Q. Did you ever dump your load by where
5 Mr. Smith was working at Sauer's landfill?

6 A. Sure.

7 Q. Did you always dump your load by where
8 Mr. Smith was working at Sauer's landfill?

9 A. If he tells us where to dump it, sure,
10 that is where we dump it. Wherever he say dump
11 it. I mean, like I say, he tell the spotter and
12 the spotter tell us where to dump it. And if it
13 next to him, it would be next to him.

14 Q. Turning your attention to Exhibit 2,
15 Mr. Ragsdale, page 22, line 15. You were asked:

16 "Question: Did you ever dump back in
17 the area of Patterson High School?

18 "Answer: Yes.

19 "Question: When you dumped in the area
20 of Patterson High School, was there any particular
21 landmarks or features back there that make you

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1 remember that it was back there?

2 "Answer: Yes. They had plum trees back
3 there up against the fence.

4 "Question: You would go back and dump
5 near the plum trees?

6 "Answer: Yes.

7 "Question: These plum trees were
8 located near the fence?

9 "Answer: Yes.

10 "Question: Is that the fence between
11 the Sauer dump and the school?

12 "Answer: And the school."

13 Do you know if those plum trees are
14 still standing, Mr. Ragsdale?

15 A. I couldn't say.

16 Q. Do you know if the fence to which you
17 referred is still standing?

18 A. I couldn't say that either.

19 Q. Okay.

20 With respect to the portion of the
21 transcript that we just read, Mr. Ragsdale,

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1 running from line 15 on page 22 over to line 8 on
2 page 23, is there anything that you would change,
3 would you change your answers in any way if you
4 were asked those questions today?

5 A. From what in what number?

6 Q. Beginning on page 22 at line 15,
7 continuing over to line 8 on page 23. I am sorry,
8 line 11 on page 23.

9 A. It is the same thing.

10 Q. Okay.

11 MS. CASANO: I am going to take a 30-
12 second break here.

13 Q. Mr. Ragsdale, I would just like to make
14 it clear that when you said just now "the same
15 thing," what you meant was that you would not
16 change your answers that are recorded on pages 22
17 and 23 of the transcript?

18 A. I would not change my answers.

19 Q. Thank you.

20 When you went to Sauer's landfill, did
21 anyone ever tell you not to dump in a particular

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1 location?

2 A. When I went to Sauer Landfill, we
3 always had a man to tell us where to dump at.
4 They didn't tell us where not to dump. They tell
5 us where to dump.

6 Q. Was there ever a time when you went to
7 Sauer's landfill where there was a line of trucks
8 waiting to dump loads?

9 A. Not when I, I only went there six or
10 seven times, on Saturdays, there was no line on
11 Saturday.

12 Q. Was there ever a time when you went to
13 Sauer's landfill that you saw trucks going off in
14 different directions to dump loads?

15 A. No.

16 Q. Was there any waste that you hauled to
17 Sauer's dump that you always dumped in the same
18 place?

19 A. The few times I went there, I always
20 dumped in the same place. Wherever the man tells
21 me to dump at, that is where I dump at. I don't

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1 understand what you talking --

2 Q. When you say you always dumped in the
3 same place, you mean that you always, do you mean
4 that you always dumped in the place where you were
5 told by the spotter?

6 A. Right.

7 Q. As opposed to meaning that you always
8 dumped in exactly the same spot?

9 A. No, we -- go ahead.

10 Q. When you went to Sauer's landfill, did
11 you always dump the waste in exactly the same
12 place?

13 A. No, you couldn't dump it in exactly the
14 same place all the time.

15 Q. Why was that?

16 A. Because you filled up a spot. I mean,
17 you can dump, I mean, if I go there dumping the
18 same place all the time, nobody can dump in the
19 same spot all the time.

20 Q. Okay.

21 A. I reckon that is what you are saying.

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1 Every time I go there, do I dump in the same
2 spot?

3 Q. That is correct. Right. Okay.

4 When you went to Sauer's landfill, how
5 much time did you actually spend at the landfill?

6 A. Give or take a half hour.

7 Q. Did you ever do any socializing while
8 you were there?

9 A. No.

10 Q. Did you ever talk to any other drivers
11 while you were at Sauer's landfill?

12 A. Sometimes you may have a conversation,
13 sometimes, very seldom. Like I said, I never went
14 there but a couple of times, so there ain't much I
15 can say.

16 Q. Turning your attention to paragraph 10
17 of your affidavit, Mr. Ragsdale, you state:

18 "General Motors hauled chemicals to the site."

19 By site, were you referring to the
20 Sauer Landfill?

21 A. Yes.

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1 Q. Continuing on, "A General Motors
2 employee hauled barrels of solvents, paints and
3 sludge from the Chevrolet plant to the Sauer
4 Landfill. I do not recall the employee's name,
5 but he was called Chevrolet Ray. The employee
6 drove a white dump truck and later a blue truck.
7 Often the employee would dump the contents of the
8 drums on the ground and take the drums back to the
9 plant. Other times he would dump the drums
10 there."

11 I would also like you to take a look at
12 Exhibit 2, Mr. Ragsdale, page 102, beginning with
13 line 8. You were asked:

14 "Question: Mr. Ragsdale, we talked a
15 little bit about your affidavit today, and
16 paragraph 10 is a paragraph that discusses a
17 General Motors employee named Chevrolet Ray.
18 Could you read paragraph 10 for me now.

19 "Answer: Out loud?

20 "Question: No, read it to yourself.

21 Based upon what you remember today, is there

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1 anything you would like to change about paragraph
2 10?

3 "Answer: Yes.

4 "Question: What is that?

5 "Answer: The dumping of the drums.

6 "Question: Would you read the sentence
7 that you would like to change for me, would you,
8 please.

9 "Answer: 'Often the employee would dump
10 the contents of the drum on the ground and take
11 the drum back to the plant. Other times he would
12 dump the drums there.'

13 "Question: Based upon what you remember
14 today, what is your testimony that you would like
15 to state with regard to those sentences?

16 "Answer: I say he would dump the truck
17 and let the stuff on the ground. He didn't dump
18 the drums by hand and take them back to the
19 plant.

20 "Question: Did he dump the drums on the
21 ground?

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1 "Answer: He raised the body of the
2 truck and dumped the drums on the ground.

3 "Question: What you want to testify to
4 is that he raised the truck and dumped the
5 contents on the ground and those contents included
6 both a college material and drums?

7 "Answer: Yes.

8 "Question: Any other change you would
9 like to make to that paragraph?

10 "Answer: No."

11 And that is the end of the quotation.

12 Looking at paragraph 10 of your
13 affidavit, Mr. Ragsdale, and the excerpt that we
14 just read from the transcript, would it, is it
15 still your testimony that Chevrolet Ray took waste
16 from the Chevrolet plant to Sauer Landfill and
17 dumped it there, and that when he dumped drums, he
18 left the drums at the Sauer Landfill?

19 A. Yes.

20 Q. Okay. How did you know Chevrolet Ray?
21 Let me change that, Mr. Ragsdale. When did you

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1 meet Chevrolet Ray?

2 A. By, only by using the road to the
3 Rosedale Landfill.

4 Q. Did he tell you that he was employed by
5 General Motors?

6 A. No.

7 Q. How do you know that he was employed by
8 General Motors?

9 A. Hauling General Motors equipment, I
10 mean materials, he had to be an employee there.

11 Q. Was the truck that he drove labeled
12 General Motors?

13 A. Yes.

14 Q. Do you remember how often you saw
15 Chevrolet Ray dump waste at Sauer's landfill?

16 A. I would say a couple times, because I
17 wasn't there that much.

18 Q. Did you see him every time that you
19 went to Sauer's landfill?

20 A. No.

21 Q. Now, paragraph 10 of your affidavit

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1 states that you saw Chevrolet Ray haul solvents,
2 paints and sludge from the Chevrolet plant. How
3 do you know that what he hauled was solvents,
4 paints and sludge?

5 A. Because that was what was coming out of
6 the drum when it hit the ground.

7 Q. That is what it looked like to you?

8 A. Yes.

9 Q. Did it have any sort of an odor?

10 A. Had paint thinner odor to it.

11 Q. Was it any particular color?

12 A. All different colors of paint.

13 Q. The sludge or the liquid that you saw,
14 was that in the drums, or was that just loose in
15 the truck, if you will?

16 A. It was in the drums, but a lot of time
17 the drums hit the ground, it busted, the stuff run
18 out the drums.

19 Q. Do you know if Chevrolet Ray ever
20 hauled wastes from General Motors in containers
21 other than drums?

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1 A. No, I don't know.

2 Q. Turning to paragraph 16 of your
3 affidavit, you state: "Robb Tyler, Inc. hauled
4 waste from General Motors' Chevrolet plant located
5 on the Broening Highway."

6 And now turning to exhibit 2, page 18,
7 beginning with line 5, you were asked:

8 "Question: Okay, you said you have been
9 to the General Motors plant. What have you done
10 at the General Motors plant?

11 "Answer: Well, when Robb Tyler had it,
12 we had an all-night shift and General Motors had
13 all-night shift, worked 24 hours a day, and we had
14 to pull the big compactor, which compacted the
15 trash. We ran all day and all night. We had a
16 shift that ran over there, and I had to put in
17 night and daytime. They ain't got as many as they
18 had in there, they had a great big 40 compactor.

19 "Question: Were you driving a roll-off?

20 "Answer: A roll-off.

21 "Question: Did you go there frequently?

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1 "Answer: Yes.

2 "Question: Do you recall where you took
3 the waste when you went to General Motors?

4 "Answer: I took that to Rosedale dump
5 because Sauer's -- I said I hauled there, General
6 Motors, to the Rosedale dump because Sauer's dump
7 wasn't open at night."

8 And that is the end of the quotation.

9 At line 13 on page 18, Mr. Ragsdale,
10 you indicate that you went to General Motors both
11 at night and then in the daytime. Beginning with
12 line 1 on page 19, you indicate that you took the
13 General Motors waste to Rosedale because Sauer's
14 wasn't open at night.

15 When you hauled waste from General
16 Motors in the daytime, did you take it to Rosedale
17 or did you take it to Sauer's landfill?

18 A. Say that again.

19 Q. Okay. You have indicated that you
20 hauled waste from General Motors both at night and
21 during the day. You have also indicated that when

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1 you hauled from General Motors, you took the
2 waste, at night, you took the wastes to Rosedale
3 because Sauer's wasn't open at night.

4 When you hauled waste from General
5 Motors during the day, where did you take it?

6 A. On Saturday, if I hauled it Saturday
7 morning, I took it to Sauer's landfill.

8 Q. Would that have been because Rosedale
9 wasn't open?

10 A. Rosedale was closed.

11 Q. Okay. Was Rosedale always closed on
12 Saturday during the 1960s?

13 A. I mean closed for good.

14 Q. Okay. Is it your testimony, then, that
15 you only hauled from General Motors during the
16 period when Rosedale was closed?

17 A. Not during the period -- I have hauled
18 it there before, out of General Motors, when
19 Rosedale was open at night, I used to work at
20 night, and then sometime on Saturday, a couple
21 time on Saturday, at least once I know I hauled it

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1 after they closed. They dispatched me to General
2 Motors and I pulled the compactor and dumped it on
3 Sauer's landfill.

4 Q. So you definitely hauled waste from
5 General Motors to the Sauer's landfill during the
6 four-month period?

7 A. Yes.

8 Q. Did you haul waste from General Motors
9 to the Sauer Landfill at any other time?

10 A. Not -- no.

11 MS. CASANO: I am sorry, Dan. Did you
12 want to.

13 MR. MASUR: No.

14 Q. On page 18 at lines 11 through 15, you
15 refer to a great big 40 compactor. I am not
16 familiar with what that is. Could you explain
17 what that is to me?

18 A. A 40 compactor is a big 40-yard box
19 that got a ram in it and it packs trash into this
20 big box, this big container. Once it gets full,
21 you got to go dump it.

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1 Q. Did you ever look at what was inside
2 that container or that compactor when you hauled
3 it?

4 A. I look at it coming out of there, yes.
5 When it come out.

6 Q. Did you ever see any drums or barrels
7 in the compactor?

8 A. No.

9 Q. Did you ever see any liquids in the
10 compactor?

11 A. Not to the best of my knowledge, I
12 never seen no drums and no liquids.

13 Q. Did you ever see any paint cans in that
14 container?

15 A. Not to the best of my knowledge, no.

16 Q. When you hauled from General Motors,
17 General Motors was a customer of Robb Tyler's?

18 A. Yes.

19 Q. Do you know if anyone else was removing
20 waste from the General Motors plant during the
21 time that General Motors was a Robb Tyler

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1 customer? When I say anyone else, I mean any
2 other company as opposed to another Robb Tyler
3 driver.

4 A. To the best of my knowledge, no.

5 Q. Okay, so to the best of your knowledge,
6 Robb Tyler was removing all of the General Motors
7 waste when General Motors was a Robb Tyler
8 customer?

9 A. Yes.

10 MR. RYAN: Excluding Chevrolet Ray
11 during that time?

12 MS. CASANO: Yes, actually I would have
13 to --

14 MR. GRUMMER: Objection.

15 MR. RYAN: Better make that clear.

16 MS. CASANO: Yes.

17 Q. During the time that General Motors was
18 a customer of Robb Tyler's, aside from Chevrolet
19 Ray, do you know of any other employee of General
20 Motors who removed waste from General Motors?

21 A. No.

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1 Q. Okay, so that as far as you know, all
2 of General Motors' wastes were being removed by
3 Robb Tyler and Chevrolet Ray?

4 A. By Robb Tyler and Chevrolet Ray as far
5 as I know.

6 Q. Okay. Do you know if Mike Cefaloni
7 ever hauled waste -- I am sorry. Do you know Mike
8 Cefaloni or did you know Mike Cefaloni?

9 A. Yes, I knew Mike Cefaloni.

10 Q. Do you know if he ever hauled waste
11 from the General Motors plant?

12 A. I don't know. I don't think -- I don't
13 know whether he did or not.

14 Q. Did you ever, when you were driving for
15 Robb Tyler during the 1960s, did you have a radio
16 in your truck?

17 A. Yes.

18 Q. Is that how you communicated with the
19 dispatcher?

20 A. Yes.

21 Q. Did you ever overhear the dispatcher

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1 telling Mike Cefaloni to pick up a load from a
2 customer?

3 A. I never heard the dispatcher tell Mike
4 Cefaloni direct, but he probably communicated
5 between other people to tell him to pick up.

6 Q. Did you ever hear the dispatcher tell
7 someone else to tell Mike Cefaloni to pick up a
8 load from a customer?

9 A. I am afraid to say. I don't know.

10 Q. Do you know Earl Boswell, Mr. Ragsdale?

11 A. Yes.

12 Q. Did Mr. Boswell haul waste from the
13 General Motors plant?

14 A. I don't know.

15 Q. Okay. Do you recall the names of any
16 other Rob Tyler drivers who hauled waste from
17 General Motors?

18 A. No, like I say, I worked over the west
19 side of town. I don't know what would go on on
20 the east side of town.

21 Q. Turning to paragraph 9 of your

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1 affidavit, you state: "Bohager hauled for Western
2 Electric in the 1960s. I specifically recall
3 seeing green containers containing Western
4 Electric waste on a Bohager truck at the
5 landfill. Wires and wire casings were hanging
6 over the edge of the truck. I do not know whether
7 any chemicals were involved in the containers,
8 although I think possibly they were."

9 I understand from reading the
10 transcript of your interview that at the time of
11 the interview you no longer recalled seeing
12 Bohager trucks at Sauer's landfill; is that
13 correct?

14 A. Right.

15 Q. Do you have any recollection today of
16 seeing Bohager trucks at Sauer's landfill?

17 A. No. I never seen a Bohager truck at
18 Sauer's landfill.

19 Q. Okay. Do you recall that when you
20 signed the affidavit, which is Exhibit 1, that at
21 that time you recalled seeing Bohager's trucks

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1 with Western Electric waste at the Sauer Landfill?

2 A. Yes, I remember that.

3 Q. Okay. Do you remember the names of any
4 of the Bohager drivers?

5 A. No, I don't.

6 Q. Turning your attention to Exhibit 2,
7 page 19, beginning with line 6, you were asked:

8 "Question: Did you ever pull from the
9 Western Electric plant?

10 "Answer: Yes.

11 "Question: Okay, do you recall what
12 kind of truck you were driving?

13 "Answer: I was still driving a
14 roll-off.

15 "Question: Do you remember what kind of
16 waste you pulled from there?

17 "Answer: I don't know whether you call
18 it waste or not, these big barrels, the big spools
19 where the wire wrapped around it."

20 I would like to just stop there for a
21 moment, Mr. Ragsdale.

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1 When you said these big barrels, the
2 big spools, were you referring to the same type of
3 object, or were you distinguishing between barrels
4 and spools?

5 A. I would distinguish between barrels and
6 spools. What I meant, I meant those big spools
7 where the wire was wrapped around it. I wouldn't
8 consider them barrels, but they was big spools.

9 Q. By barrels, you did not mean drums, I
10 take it?

11 A. Right. I did not mean drums.

12 Q. Okay, continuing with the transcript
13 then:

14 "Question: You hauled these wire
15 spools?

16 "Answer: Yes.

17 "Question: In a roll-off?

18 "Answer: Right.

19 "Question: Do you remember where you
20 took those?

21 "Answer: I took those to Rosedale

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1 dump.

2 "Question: Rosedale?

3 "Answer: And Sauer's dump.

4 "Question: And Sauer's dump. Did those
5 spools have wire on them?

6 "Answer: No.

7 "Question: If you were going from the
8 Western Electric plant, what was the closest dump?

9 "Answer: That would be Sauer.

10 "Question: When you were at the Sauer
11 dump, did you ever see any fly ash at the Sauer
12 dump?

13 "Answer: Yes.

14 "Question: Would there be piles of it
15 or did you see it on the ground?"

16 Oh, I am sorry, I read past where I
17 needed to.

18 When did you -- did you take spools
19 from the Western Electric plant to Sauer's
20 landfill during the four-month period?

21 A. Yes.

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1 Q. Did you take spools from Western
2 Electric to Sauer's landfill at any other time?

3 A. No.

4 Q. When you picked up the spools from
5 Western Electric, did you literally pick up the
6 spool itself, or were the spools in some type of
7 container?

8 A. Well, the spools be already loaded in a
9 30, 20-yard container. You pick the container up
10 and take it to the dump.

11 Q. Was there anything else in the
12 container besides the spools?

13 A. Just spools.

14 Q. Do you know whether any other drivers
15 employed by Robb Tyler hauled liquid waste from
16 Western Electric?

17 A. I couldn't say.

18 Q. Do you know whether any other Robb
19 Tyler drivers hauled sludges from Western
20 Electric?

21 A. I can't say. I don't know.

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1 Q. Western Electric was a customer of Robb
2 Tyler during the 1960s; is that correct?

3 A. Yes.

4 Q. Do you know whether any other company,
5 do you know whether anyone other than Robb Tyler
6 removed waste from Western Electric when Western
7 Electric was a customer of Robb Tyler's?

8 A. I can't answer that. I don't know.

9 Q. Do you know whether Mike Cefaloni ever
10 hauled waste from Western Electric?

11 MR. GUTTER: Objection, leading.

12 A. I don't know, because I was working one
13 side of town and he was working the other side of
14 town. I don't know.

15 Q. I take it that you never saw Mr.
16 Cefaloni at Western Electric when you were there?

17 A. I never saw him there when I was
18 there.

19 Q. Turning your attention back to
20 paragraph 9 of your affidavit for a minute, Mr.
21 Ragsdale, that paragraph refers to wires and wire

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1 casings hanging over the edge of a truck. Do you
2 recall today ever seeing wires and wire casings at
3 Sauer's landfill? Not necessarily on a Bohager
4 truck, just generally speaking, do you recall
5 seeing wires and wire casing at Sauer's landfill?

6 A. There could have been a lot of stuff
7 hanging on the, I mean on the ground. I couldn't
8 say whether it was wire or wire casings. There is
9 so much junk at a landfill, you will find anything
10 on the ground.

11 Q. Do you know what an electrical
12 transformer is?

13 A. Yes, I know what an electrical
14 transformer is.

15 Q. Did you ever see any transformers at
16 Sauer's landfill?

17 A. I never seen a transformer at Sauer's.

18 Q. Did you ever see Mr. Cefaloni at
19 Sauer's landfill breaking open something that, I
20 am sorry, breaking open something that looked like
21 an electrical transformer?

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1 A. I never seen Mr. Cefaloni at Sauer
2 Landfill.

3 Q. Okay. Turning to paragraph 11 of your
4 affidavit, you state: "Bohager hauled Baltimore
5 Gas & Electric's waste in the early 1960s."

6 How do now know that Bohager hauled
7 Baltimore Gas waste during the 1960s?

8 A. That is kind of confusing to me. I
9 don't -- I don't, I can't answer that question.

10 Q. Okay. Do you recall today that Bohager
11 did, is it your recollection today that Bohager
12 did haul wastes from Baltimore Gas & Electric?

13 A. I still can't answer that question
14 because I can't picture where Baltimore Gas &
15 Electric was at.

16 Q. Are you familiar with Baltimore Gas &
17 Electric's Riverside facility?

18 A. No, I don't think so.

19 Q. Turning to Exhibit 2, page 20,
20 beginning with line 10, you were asked:

21 "Question: When you were at the Sauer

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1 dump, did you ever see any fly ash at the Sauer
2 dump?

3 "Answer: Yes.

4 "Question: Would there be piles of it
5 or did you see it on the ground?

6 "Answer: Parker Brothers. They were
7 hauling fly ash for Gas and Electric, and they
8 would bring it in there and cover the trash with
9 it.

10 "Question: Did you personally see
11 Parker bring in any fly ash?

12 "Answer: Yes.

13 "Question: At the Sauer dump?

14 "Answer: Yes."

15 Sorry, I read as far as I need to go.

16 By Parker Brothers, were you referring
17 to a company that is known as J. William Parker
18 and Sons; is that the same company?

19 MR. BYRD: Objection.

20 A. I only know them as Parker and Son.

21 Q. Do you remember the names of any

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1 drivers who worked for Parker?

2 A. I didn't know any of these drivers.

3 Q. Okay. How do you know that the fly ash
4 that you saw at Sauer's dump came from Baltimore
5 Gas & Electric?

6 A. That was the only way you could get it
7 from, at the Baltimore Gas & Electric.

8 Q. To your knowledge, no other company
9 generated fly ash during that period?

10 A. To my knowledge, no other company, as
11 far as I know.

12 Q. Okay. Do you know whether Parker, the
13 Parker Brothers hauled fly ash -- I assume the
14 answer is going to be no, but let me ask it
15 anyway -- do you know whether Parker Brothers
16 hauled fly ash from any other company?

17 A. I don't know.

18 Q. Do you recall whether any Parker
19 driver ever told you that the fly ash came from
20 Baltimore Gas & Electric?

21 A. I never talked to any Parker's

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1 drivers.

2 Q. Okay. Although you may not remember
3 their names, now, did you know any of the Parker
4 drivers back during the time when you saw them at
5 Sauer's landfill?

6 A. I know their faces, but I mean, I knew
7 them by face but not by name.

8 Q. Were Parker's trucks labeled in any
9 way?

10 A. Yes, Parker on the side of the door.

11 Q. Do you remember what the fly ash looked
12 like that you saw at Sauer's landfill?

13 A. It is a gray powdery substance,
14 grayish-black powdery substance.

15 Q. During the 1960s and the early 1970s,
16 were there times when you could not pick up waste
17 from a customer and you arranged for somebody else
18 to pick up that waste?

19 A. You mean as a driver?

20 Q. Yes.

21 A. No.

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1 Q. Okay. To your knowledge, did Mr.
2 Cefaloni ever substitute for you?

3 A. No, he never substituted for me because
4 we were driving two different type trucks.

5 Q. Okay. Mr. Ragsdale, do you know Albert
6 Landay, or did you know Albert Landay, I should
7 ask?

8 A. No, I don't know Albert Landay.

9 Q. Do you know Edward Azrael?

10 A. No.

11 Q. Are either of those names familiar to
12 you?

13 A. First I ever heard of them.

14 Q. Prior to your deposition and aside from
15 the interview, have you talked to anybody about
16 Sauer's landfill?

17 A. No.

18 Q. Turning to page 88 of Exhibit 2 --

19 MR. RYAN: Are you down to your last
20 ten minutes or so?

21 Q. -- beginning with line 10 on page 88,

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1 you were asked:

2 "Question: I asked a moment ago if you
3 would consider Boswell a truthful person. Let me
4 ask the same question about Michael Cefaloni. Can
5 you tell me if you thought he was a truthful
6 person?

7 "Answer: No.

8 "Question: You would say you did not
9 think he was truthful?

10 "Answer: I don't think he is truthful.

11 "Question: Can you explain that to me?

12 "Answer: I think he lies.

13 "QUESTION: Can you tell me why you
14 think that?

15 "Answer: Why I think he lies?

16 "Question: Yes.

17 "Answer: I mean, you can tell a person
18 is a liar from a person telling the truth. That
19 is the way I feel.

20 "Question: That is based on knowing him
21 for a long time?

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1 "Answer: Sure."

2 That is the end of the quotation.

3 How long did you know Mr. Cefaloni?

4 A. I known Cefaloni about approximately
5 four, five years.

6 Q. And you would see him at either Sauer,
7 either at, well, did you ever see him at Sauer's
8 landfill?

9 A. No, I never seen him at Sauer Landfill.

10 Q. Did you see him at Rosedale Landfill?

11 A. I seen him at Rosedale Landfill.

12 Q. Did you ever see Mr. Cefaloni anywhere
13 else during the time that you knew him?

14 A. Yes, we used to drink together.

15 Q. Where did you do that?

16 A. At a, up on Pulaski Highway.

17 Q. A tavern or bar?

18 A. Worldwide Liquors.

19 Q. How often did you do that?

20 A. About once or twice a week, something
21 like that.

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1 Q. Would that have been throughout the
2 1960s?

3 A. In the '60s. Not throughout the '60s,
4 in the '60s.

5 Q. End of the '60s?

6 A. In the '60s.

7 Q. I am sorry. Basically from 1960
8 through 1969? Or were there specific years that
9 you recall when you would go to drink?

10 A. I would say about '65 through '69, '66
11 through '69.

12 Q. Was there some reason why you stopped
13 drinking with Mr. Cefaloni?

14 A. Because we had, just stopped drinking,
15 all I know. We didn't have no special reason for
16 stop drinking.

17 Q. It wasn't as though you had had an
18 argument and you didn't want to ever see him
19 again?

20 A. No.

21 Q. Before you were interviewed last year,

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1 did you discuss with anyone whether or not you
2 thought Mr. Cefaloni was truthful?

3 A. Sure.

4 MR. RYAN: Other than his attorneys?

5 Q. Well, I would like to know whether you
6 discussed that with your attorneys. I don't want
7 to know what you discussed with them, but I would
8 like to know whether you discussed it with your
9 attorneys.

10 MR. RYAN: I don't see the distinction
11 there. Repeat your question.

12 Q. Okay, before you were interviewed last
13 year, did you discuss with the attorneys for
14 Browning-Ferris whether you thought Mr. Cefaloni
15 was truthful?

16 MR. RYAN: I am going to object to that
17 as violating the attorney-client privilege and
18 instruct the witness not to answer.

19 MS. CASANO: Well, I think I am
20 entitled to know whether a conversation occurred,
21 although I may not be entitled to know, I would

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1 agree I am not entitled to know what the content
2 of the conversation was.

3 MR. RYAN: I think you are getting into
4 the content of the conversation. I think you are
5 entitled to know if that was discussed to prepare
6 for deposition, but I think that question is too
7 specific about what was discussed, so --

8 MS. CASANO: We will reserve that. I
9 am not prepared to go to a judge on it today, but
10 we may take that up at a later time.

11 Q. Before you were interviewed last year,
12 did you ever discuss with anyone other than your
13 attorneys whether you thought Mr. Cefaloni was
14 truthful?

15 A. No.

16 Q. Okay. On page 88 at line 17, you,
17 well, let me ask you, before you discussed with
18 your attorneys whether you thought Mr. Cefaloni
19 was truthful, had you formed an opinion as to
20 whether he was truthful?

21 MR. RYAN: Well, of course, I object to

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1 that.

2 Q. Before you were interviewed last year,
3 had you formed an opinion as to whether Mr.
4 Cefaloni was truthful?

5 MR. RYAN: I think he is having trouble
6 with the question.

7 I think the question is, before, while
8 you met Mr. Cefaloni and knew him, did you have an
9 opinion about whether he was truthful?

10 Q. Did you ever even think about it?

11 A. Oh, I know he lied a lot by joking, is
12 all I can say. You know, a bunch of guys get
13 around and tell lies.

14 Q. Everybody told lies?

15 A. A whole lot of people tell lies, you
16 know, that is why I say he was a liar.

17 Q. Can you think of any specific lie that
18 you can remember Mr. Cefaloni telling?

19 A. No, I can't.

20 Q. To the extent that you can recall Mr.
21 Cefaloni telling lies, was it in the context of

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1 these drinking sessions?

2 A. Yes.

3 Q. Did you ever hear Mr. Cefaloni tell
4 something that you thought was a lie outside one
5 of these drinking sessions?

6 A. No.

7 Q. No, okay. And again, you can't point
8 to any specific lie that you remember?

9 A. No.

10 Q. Did Mr. Boswell tell, did Mr. Boswell
11 participate in these drinking sessions?

12 A. No.

13 Q. Did you know a John Miller?

14 A. Not, I don't think so.

15 Q. Okay. How well did you know Mr., or
16 how well do you know Mr. Boswell?

17 A. I know him pretty good. I mean, I knew
18 him. I don't know how well I knew him, but I knew
19 him.

20 Q. You have known him since 1960?

21 A. Yes.

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MC

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1 Q. Have you known him since 1960 or have
2 you known him since you went to work for Robb
3 Tyler?

4 A. That is when I knew him, when I went to
5 work for Robb Tyler.

6 Q. And that was in 1965, correct?

7 A. Correct.

8 Q. When was the last time you spoke with
9 Mr. Boswell?

10 A. I think it was in '78 or '79.

11 Q. Do you recall any instance when you
12 talked with Mr. Boswell where you thought he was
13 exaggerating?

14 A. I never said that he exaggerated, no, I
15 wouldn't say so.

16 Q. You would say he didn't tell stories
17 the way Mr. Cefaloni told stories in your drinking
18 sessions?

19 A. No, he didn't.

20 MR. ABRAMS: If I heard the testimony
21 right, he was not at drinking sessions. I object

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1 to the form of the question.

2 MS. CASANO: Read the question back,
3 please.

4 (The record was read by the reporter.)

5 MS. CASANO: That was referring to Mr.
6 Cefaloni being in the drinking sessions.

7 Those are all the questions that I
8 have, Mr. Ragsdale. I think we will take a ten-
9 minute break and resume.

10 (Recess taken.)

11 MS. CASANO: Before Ms. Marks begins
12 her questioning, Mr. Ragsdale, I just want to make
13 it clear to the extent that I didn't before, that
14 with respect to the question that Mr. Ryan
15 instructed you not to answer, I certainly have no
16 intention of taking it to the judge today, but
17 just in case, I would like to reserve the right to
18 go to the Court and to reopen the deposition with
19 respect to that question.

20 Ms. Marks?

21 EXAMINATION BY MS. MARKS:

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1 Q. Good morning, Mr. Ragsdale. My name is
2 Pamela Marks and I represent the State of
3 Maryland, Department of the Environment, and I
4 have a few questions for you this morning.

5 Mr. Ragsdale, did you know Luke Sauer?

6 A. Yes, I knew Luke Sauer.

7 Q. How do you know Luke Sauer?

8 A. We worked together.

9 Q. Where did you work together?

10 A. For Robb Tyler.

11 Q. What did Luke Sauer do for Robb Tyler?

12 A. He was a truck driver.

13 Q. Do you remember when?

14 A. In the '70s, in the '70s.

15 Q. Not in the 1960s?

16 A. It could have been in the '60s as far
17 as I know. '70s, as far as I know. It could have
18 been in the '60s.

19 Q. Do you know any other members of the
20 Sauer family?

21 A. I knew the brothers there, Fritz and

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1 Luke, and I forget the other one's name. The
2 other baby brother, I forget his name.

3 Q. Did you ever, were you friendly with
4 the Sauer family?

5 A. Luke, yes.

6 Q. With Luke. Did you visit with him at
7 any time?

8 A. No more than on the job.

9 Q. Pardon me?

10 A. No more than on the job.

11 Q. Where would you see Luke Sauer?

12 A. Most anywhere. At the landfill, on the
13 street.

14 Q. Did you ever see Luke Sauer at Sauer's
15 dump?

16 A. The few times I went there, I didn't
17 see him there, no.

18 Q. Do you know whether Luke Sauer hauled
19 trash to Sauer's dump?

20 A. I couldn't say. I never seen him
21 there.

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1 Q. Did you go out drinking with Luke
2 Sauer?

3 A. No.

4 Q. Did you see Luke Sauer at Rosedale?

5 A. Yes.

6 Q. Do you know whether Luke Sauer hauled
7 waste for General Motors?

8 A. I couldn't say. I don't know.

9 Q. Do you know whether Luke Sauer hauled
10 waste for Western Electric?

11 A. I don't know that either.

12 Q. Do you know whether Mike Cefaloni ever
13 hauled waste for Robb Tyler?

14 A. I couldn't say. He could have and he
15 could not. I don't know.

16 Q. Did he ever mention anything to you
17 about hauling waste for a Robb Tyler customer?

18 A. I never talked to him that much after
19 the landfill.

20 MR. ABRAMS: I couldn't hear the
21 answer.

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1 (The record was read by the reporter.)

2 THE WITNESS: At the landfill.

3 THE REPORTER: At the landfill, thank
4 you.

5 Q. How about during your drinking
6 sessions? Did Mike Cefaloni tell you anything
7 about what kind of waste he hauled or who he
8 hauled for?

9 A. When we were drinking, we forgot
10 trash.

11 MS. CASANO: Now, that is a truthful
12 answer.

13 Q. Mr. Ragsdale, when you, during the
14 four-month period when you hauled waste to Sauer's
15 dump, was Edgar Smith there every time you were
16 there?

17 A. The few times I went there he was
18 there.

19 Q. So you think that every time that you
20 were there Edgar Smith was there?

21 A. It has been so long, I am afraid to say

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1 he was there every time I was there, but he was
2 there on the times I went there. I don't know --

3 Q. So there may have been times that
4 somebody else was operating the bulldozer instead
5 of Edgar Smith?

6 MR. RYAN: That mischaracterizes his
7 testimony, but give the best answer you can.

8 Q. Well, let me restate that. Do you
9 remember, what I understood you to say is that you
10 don't remember whether Edgar Smith was there every
11 time you were there; is that right?

12 A. Right.

13 Q. Do you remember who else operated the
14 bulldozer when you were at Sauer's dump?

15 MR. RYAN: He has already said there
16 was probably more than one bulldozer, so when you
17 say the bulldozer, are you talking about the one
18 that Mr. Smith was on, or just generally who was
19 operating bulldozers?

20 Q. Okay, let's back up. Do you remember
21 how many bulldozers were operating when you hauled

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1 waste to Sauer's dump?

2 A. No, I don't.

3 Q. Do you remember whether there was more
4 than one bulldozer operating?

5 A. I just said, I don't know how many was
6 there.

7 Q. Pardon me?

8 A. I can't really, I just said I don't
9 know how many was there.

10 Q. Well, do you remember seeing anybody
11 else operate the bulldozer at Sauer's dump?

12 MR. RYAN: Operate any bulldozer?

13 MS. MARKS: Yes, that is right, operate
14 any bulldozer.

15 MR. RYAN: Other than Mr. Smith?

16 A. It is hard, I can't answer that
17 question because I don't know.

18 Q. Mr. Ragsdale, you had mentioned that
19 you remember dumping by, I believe you remember
20 dumping near plum trees at Sauer's dump; is that
21 correct?

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1 A. Yes.

2 Q. Okay. Were these plum trees near the
3 middle of the landfill or were they around towards
4 the edge of the landfill, do you remember?

5 A. All I can remember, they were toward
6 the edge of the landfill. As far as I can
7 remember now.

8 Q. And were these plum trees in the
9 direction of by the baseball fields?

10 A. By the edge of the baseball fields.

11 Q. By the edge of the baseball fields?

12 A. As far as I can remember, I think they
13 were.

14 Q. And you remember dumping in that
15 vicinity, near the plum trees, near the edge of
16 the baseball fields?

17 A. Yes.

18 Q. Mr. Ragsdale, approximately how long is
19 a city block, do you believe?

20 A. I don't know.

21 MR. KARABA: Could you speak up,

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1 please?

2 MS. MARKS: Okay. Did you hear that
3 last question?

4 Would you read it back.

5 (The record was read by the reporter.)

6 Q. When you say something is approximately
7 the distance of a city block, what do you mean by
8 that?

9 MR. RYAN: Other than what he just
10 said, I don't know how much more answer he can
11 give, but if you can be more specific than that,
12 take a shot.

13 A. Well, I would just imagine by where I
14 live at how long a block is. I put three of them
15 together and make the distance of where that thing
16 was. But how long it is, I don't know.

17 Q. Are these city blocks that are rowhouse
18 blocks?

19 A. Yes.

20 Q. So in a residential area?

21 A. Right.

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1 MS. MARKS: Thank you, Mr. Ragsdale.

2 EXAMINATION BY MR. GRUMMER:

3 Q. Mr. Ragsdale, my name is Mark Grummer,
4 I am a lawyer for General Motors, and if you
5 recall, I was present when your June 5 statement
6 was taken; do you remember that?

7 A. Yes, sir.

8 Q. Earlier you answered some questions
9 about hauling from General Motors and where you
10 hauled to. Do you recall those questions?

11 A. Yes.

12 Q. Did you ever haul from General Motors
13 to the Sauer dump?

14 A. I hauled from General Motors, I hauled
15 out of General Motors, but I hauled to the
16 Rosedale dump. I made a mistake, I never hauled
17 from General Motors to Sauer.

18 Q. Your testimony now is that you never
19 hauled from General Motors to the Sauer dump?

20 A. My testimony now is I never hauled from
21 General Motors to Sauer's dump.

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1 Q. Not in the daytime?

2 A. Not in the daytime.

3 Q. And not at night?

4 A. Not at night.

5 Q. Earlier you also answered some
6 questions about seeing Chevrolet Ray at the Sauer
7 dump. You saw Chevrolet Ray also at the Rosedale
8 dump, didn't you?

9 A. Yes, I did.

10 Q. What I would like to do is read from
11 your June 5 statement, and as I read, would you
12 listen to the questions and answers that were
13 previously asked and the answers that you
14 previously gave, and after I finish, can you tell
15 me if any of the answers that you gave were
16 incorrect or if you would change any of them
17 today. I am going to begin at page 71, line 1.

18 MR. RYAN: How many pages are you going
19 to read, Mark?

20 MR. GRUMMER: This will cover, there
21 will be two segments that will cover about four

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1 pages.

2 MR. RYAN: You might want to break it
3 down a page or two at a time.

4 MR. GRUMMER: Okay.

5 Q. Let's begin at page 71, line 1:

6 "Question: You mentioned you saw
7 Chevrolet Ray at Rosedale and you recall him
8 dumping paint sludge at Rosedale?

9 "Answer: I couldn't swear it was paint
10 sludge or something like that. It was paint drums
11 coming out of his truck.

12 "Question: You saw paint drums coming
13 out of his truck at Rosedale?

14 "Answer: Yes.

15 "Question: Do you recall ever seeing
16 him dump anything other than drums at Rosedale?

17 "Answer: No.

18 "Question: Can you tell me anything
19 about how often or how frequently you might have
20 seen Chevrolet Ray at Rosedale?

21 "Answer: Chevrolet Ray was at Rosedale

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1 every time, maybe two or three times a day.

2 "Question: That's an important question
3 and I would like to go over it again. You said
4 Chevrolet Ray was at Rosedale several times a day?

5 "Answer: I have seen him several times
6 a day, I mean the days that I was over there.

7 "Question: I understand. So there were
8 days when you saw Chevrolet Ray at Rosedale up to
9 three times a day?

10 "Answer: I would say at least twice a
11 day.

12 "Question: At least twice a day?

13 "Answer: Yes.

14 "Question: Each time would he be
15 dumping drums?

16 "Answer: All that stuff he had in the
17 truck, or I call it sludge.

18 "Question: Each time you saw him there,
19 even two times a day, would he be dumping sludge?

20 "Answer: That's right.

21 "Question: Can you tell me anything

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1 about the years that you might, the years that you
2 saw him there, like what year that might start and
3 what year it might end?

4 "Answer: 1966 or 1967. It has been so
5 long I can't, you know, remember what year it
6 was. I know it was back in the '60s. '66 or
7 '67."

8 Let me stop the quotation there and ask
9 you if those answers were correct.

10 A. They are correct.

11 Q. Would you change any of those answers
12 today?

13 A. No, not today.

14 Q. I would like to skip one page forward
15 to page 73 and begin on line 10:

16 "Question: Given that you are involved
17 in the truck-driving business, can you tell me
18 whether you had any impression whether it was
19 Chevrolet's regular practice to dump this sludge
20 at Rosedale?

21 "Answer: Say that again.

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1 "Question: Do you think that was what
2 Chevrolet Ray usually did? Do you think he
3 usually took his sludge to Rosedale?

4 "Answer: Sure. That's the only place
5 he would have to take it.

6 "Question: That is the only place he
7 would have to take it?

8 "Answer: Back in the '60s, if I got
9 your question right.

10 "MR. GULLEY: Clarify the question.

11 "Question: I think you answered my
12 question. It sounded like an answer to the
13 question I asked. I will try it again anyway.

14 Let's talk about the period before
15 Rosedale closed, obviously, was it your impression
16 that during that period it was Chevrolet Ray's
17 regular practice to dump his sludge at Rosedale?

18 "Answer: Sure."

19 I am going to end my quotation there.

20 Having listened to those questions and
21 your answers, would you change any of those

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1 answers today?

2 A. No.

3 Q. Earlier you were asked some questions
4 about where dumping took place at the Sauer
5 dump -- let me strike that.

6 Based on the testimony that you
7 previously gave and the questions and answers that
8 we just read, it sounds to me like you saw
9 Chevrolet Ray at Rosedale, which was Robb Tyler's
10 dump, two or three times a day over several years;
11 is that correct?

12 A. Correct.

13 Q. As I add that up, it sounds to me like
14 you saw Chevrolet Ray at Rosedale, which was Robb
15 Tyler's dump, several hundred times; does that
16 sound correct?

17 MR. RYAN: Let me interpose an
18 objection here. He says he saw him at Rosedale
19 the days that Mr. Ragsdale was at Rosedale. That
20 is in the text. Mr. Ragsdale has testified he was
21 primarily a west side driver, so he may not have

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1 been at Rosedale every day.

2 MR. GRUMMER: Thank you for that
3 clarification.

4 Q. Can you give me any idea how often you
5 would be at Rosedale?

6 MR. RYAN: In the late '60s.

7 A. Late 60s? You mean how many days a
8 week?

9 Q. Yes, how many days a week.

10 A. Sometime it, it would be, I would say
11 two or three time a week. If the dispatcher just
12 send us over. Most of the time we would be there
13 sometime twice a week, I know.

14 Q. So during the 1960s, the late 1960s,
15 you would be at Rosedale two or three times a
16 week?

17 A. Yes.

18 Q. And on those days you would see
19 Chevrolet Ray dumping sludge there two or three
20 times a day?

21 A. Yes.

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1 Q. Did you work 50 weeks a year?

2 A. Sure.

3 Q. Couple times a week, couple sightings
4 of Chevrolet Ray a day, 50 weeks a year, several
5 years during the late 1960s, that sounds to me
6 like you probably must have seen Chevrolet Ray
7 dumping sludge at Rosedale several hundred times;
8 does that sound correct?

9 A. In how many years, you say?

10 Q. Well, I am asking you the question, but
11 you said earlier that you saw Chevrolet Ray
12 dumping sludge at Rosedale for several years in
13 the late 1960s.

14 MR. RYAN: The question is do you
15 remember seeing Chevrolet Ray at the site, at
16 Rosedale site, several hundred times?

17 A. Sure. In, over a period of time, yes.

18 Q. I think you testified earlier that you
19 saw Chevrolet Ray dumping sludge at Sauer's dump
20 two or three times; is that correct?

21 A. Correct.

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1 Q. In paragraph 10 of your affidavit, you
2 are describing what you saw Chevrolet Ray doing at
3 the Sauer dump; is that correct?

4 A. Correct.

5 Q. Are you also describing what you saw
6 him do at the Rosedale dump?

7 A. Yes.

8 Q. When you sat down to make this
9 affidavit, do you think you were recalling what
10 you saw him do at Rosedale or what you saw him do
11 at Sauer's?

12 MR. ABRAMS: Object to the form of the
13 question, lacks foundation.

14 A. He was doing the same thing at both
15 dumps.

16 Q. Do you have any recollection, any
17 specific recollection of what he did at Sauer's as
18 opposed to what he did at Rosedale?

19 A. Doing the same thing at both dumps.

20 Q. You don't recall anything different
21 about what he did at Sauer's?

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1 MR. RYAN: He just answered that, but
2 try one more time.

3 A. He did the same thing at both dumps.

4 Q. Still looking at paragraph 10 of your
5 affidavit, in line 3 you say: "Often the
6 employee," and I believe at this point you are
7 referring to Chevrolet Ray, "would dump the
8 contents of the drum on the ground and take the
9 drums back to the plant." The next sentence
10 reads: "Other times he would dump the drums
11 there." But you testified a moment ago that you
12 only saw Chevrolet Ray at Sauer's two or three
13 times; is that correct?

14 A. Yes.

15 Q. Still looking at paragraph 10 of your
16 affidavit, in the first two or three lines I have
17 read the sentences I am referring to, you state
18 General Motors hauled chemicals to the site. "A
19 General Motors employee hauled barrels of
20 solvents, paints and sludge from the Chevrolet
21 plant to the Sauer Landfill." And then again, I

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1 take it you are referring to those two or three
2 times that you saw Chevrolet Ray at the Sauer
3 Landfill?

4 A. Yes, Sauer Landfill.

5 Q. When you used the terms chemicals,
6 solvents, paints and sludge, are you referring to
7 four different things or to one thing?

8 A. Somewhere back there I seen it, I don't
9 know whether it was, that I didn't know, I used it
10 as a waste, I -- that is what I would say it was.

11 Q. When you used those four words, were
12 you referring to the paint sludge?

13 A. I was referring to a paint sludge, that
14 one thing.

15 Q. All four of those words refer to the
16 paint sludge?

17 A. That is what I was referring it was.

18 Q. You didn't see four different kinds of
19 things, you only saw paint sludge; is that
20 correct?

21 A. That is it, right.

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1 Q. So you didn't see one type of thing
2 that was a chemical and a different type of thing
3 that was a solvent and a different type of a thing
4 that was a paint --

5 MR. RYAN: Mark, he just answered that
6 question.

7 Q. -- and a different type of a thing that
8 was a sludge?

9 A. No.

10 Q. Are you familiar with a Standard Oil
11 facility?

12 A. Somewhat.

13 Q. Can you tell me the location of that
14 facility?

15 A. I think it is on Boston and, it could
16 be Boston and Haven part of it, and it could be
17 Boston -- does it go as far as O'Donnell? I just
18 can't --

19 Q. Did you say Boston or O'Donnell?

20 A. I say part of it was on Boston and
21 Haven, and it could be on Boston and I forget the

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1 other street, but I am familiar with it.

2 Q. Can you describe that facility for me.
3 What did it look like?

4 A. It was, it was, rephrase that question
5 again.

6 Q. Can you describe it for me at all. Can
7 you tell me what it looked like? Did it have a
8 building --

9 A. Did you say American Oil?

10 Q. Standard Oil.

11 A. Standard Oil, oh, yes. It was a place
12 that had crude oil and turned it into gasoline, I
13 reckon. We had containers in there and Sauer's
14 had containers in there. How I know? Because I
15 was riding with guys and we picked up front-end
16 cans and Sauer took out the 30-yard dumpsters, the
17 big ones. We dumped the little ones.

18 MR. ABRAMS: May I have the answer read
19 back, please.

20 (The record was read by the reporter.)

21 Q. Let me go over that bit by bit.

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1 MR. ABRAMS: Excuse me, counsel, before
2 you do that, I want to move to strike the prior
3 answer as nonresponsive.

4 Q. Okay, let's go over that bit by bit.

5 When you said we had containers in
6 there, who were you referring to?

7 A. Robb Tyler.

8 Q. Let me ask this. Did you go, did you
9 personally go to the Standard Oil facility?

10 A. Yes.

11 Q. Did you go on the property there?

12 A. Yes.

13 Q. Why did you do that?

14 A. Because I was riding in the truck.

15 Q. Whose truck were you riding in?

16 A. Robb Tyler's truck.

17 Q. Did you go there to pick up wastes?

18 A. Went there to pick up the trash.

19 Q. Did you go there with somebody?

20 A. I was riding with the other driver.

21 Arthur Warren.

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1 Q. Would would you spell that?

2 A. A-r-t-h-u-r, W-a-r-r-e-n.

3 MR. ABRAMS: I'm sorry, I couldn't hear
4 it.

5 MR. RYAN: Arthur Warren.

6 A. Arthur Warren.

7 Q. Who is the regular driver that went to
8 Standard Oil to pick up wastes?

9 A. Arthur Warren.

10 Q. So Arthur Warren was the regular
11 driver?

12 A. Yes.

13 Q. Why were you going with him?

14 A. At times when we had problems with the
15 trucks and we couldn't complete our route, we
16 would have to go in with another driver and do
17 those routes and then do our route, so at the
18 time, at that time I was with Arthur Warren.

19 Q. You mentioned some problems with the
20 truck. Could you --

21 A. With trucks?

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1 Q. With trucks.

2 A. Yes.

3 Q. So I am not sure I understand why you
4 were driving with Arthur Warren on this occasion.

5 A. Let me say it again. When you got
6 trucks and a lot of them break down and you can't
7 complete your route, the company will put you two
8 drivers together and they would do one route and
9 after we do that route, we do another route.

10 Q. So you went --

11 A. On the same truck.

12 Q. So you went with Arthur Warren on his
13 routes and then he went with you on your route,
14 and the two of you used the same truck to pick up
15 both routes; is that correct?

16 A. Right.

17 Q. And I take it Standard Oil was on
18 Arthur Warren's route?

19 A. Right.

20 Q. Can you tell me approximately what year
21 this might have taken place?

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1 A. I can't. It has been so long, I can't
2 give you -- it was in the '60s, I know that. '60s
3 and the '70s.

4 Q. You say it was in the '60s and the
5 '70s?

6 MR. ABRAMS: Yes, I object to the
7 mischaracterization of the answer. I also object
8 to the leading form of the question.

9 Q. Was it in the '60s and the '70s?

10 A. Yes.

11 Q. Was this one occasion or more than one
12 occasion?

13 A. More than one occasion.

14 Q. Can you give me any idea how many
15 occasions?

16 MR. ABRAMS: Are we talking about the
17 time when he is with Arthur Warren now?

18 Q. Yes, I am asking you about the time
19 that you rode with Arthur Warren and went to the
20 Standard Oil facility.

21 A. As much as three or four times. Three

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1 times at least.

2 Q. Could it possibly have been more
3 times?

4 MR. ABRAMS: Object to the form of the
5 question, calls for speculation.

6 A. No.

7 Q. So with respect to the number of times
8 it was, you are saying it was three times, no more
9 than three times?

10 MR. ABRAMS: Object to the form of the
11 question.

12 A. Three times.

13 MR. ABRAMS: It is badgering and it has
14 been asked and answered.

15 Q. Did these three visits, did these three
16 times you just referred to take place in different
17 years or the same year?

18 A. It could have been different years. It
19 has been so long back. I can't remember how often
20 it was. Could have been two years, it could have
21 been two months, I don't know.

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SINCE 1948
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1 Q. Can you recall if any of these trips
2 took place while Rosedale was still open?

3 A. Yes, Rosedale was open.

4 Q. Was Rosedale open at the time that all
5 of these trips took place?

6 A. I don't know. It is hard to remember
7 back that far.

8 Q. Was Rosedale open when at least one of
9 those trips took place?

10 A. Yes.

11 MR. ABRAMS: Objection, asked and
12 answered.

13 Q. What did you do when you and Arthur
14 Warren went to the Standard Oil property, the
15 Standard Oil facility?

16 A. What did I do?

17 Q. What did you and Arthur do together?

18 A. Arthur dumped the dumpster and I sat in
19 the truck and looked at it.

20 Q. You say Arthur dumped the dumpster?

21 A. The truck is automatic. The truck do

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SINCE 1906

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1 the work.

2 Q. And you sat in the truck and watched
3 him?

4 A. Watched him tilt the dumpster, the
5 truck. You know, you don't take your hands and do
6 it. The truck do it itself.

7 Q. What kind of a container did Robb Tyler
8 have there?

9 A. He had mostly 6-yard dumpsters.

10 Q. Mostly 6-yard dumpsters?

11 A. Yes.

12 Q. A moment ago you mentioned Sauer
13 containers. Can you describe what you were
14 referring to?

15 A. 30-yard dumpsters.

16 Q. This was at the Standard Oil facility?

17 A. Yes.

18 Q. And you are saying that Sauer had a 30-
19 yard dumpster there?

20 A. Yes, a couple of them in there.

21 Q. He had a couple of them in there?

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SINCE 1966

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1 A. Yes.

2 Q. Can you describe those 30-yard
3 dumpsters of Sauer's for me.

4 A. They was green, greenish-like, sat on
5 the ground, and they put the trash in. He hauled
6 it out. That is all I can say.

7 Q. When you say he hauled it out, who
8 hauled it?

9 A. They hauled it out I say.

10 Q. Who are they?

11 MR. ABRAMS: Object to the question.

12 A. I don't know who hauled them. I know
13 they left them there. When you come back they
14 were empty.

15 Q. When you said they, you don't know who
16 they were. Who did they work for?

17 MR. ABRAMS: I object to the form of
18 the question, calls for speculation, lacks
19 foundation.

20 A. I am talking about Sauer's.

21 Q. When you say they, you are referring to

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1 Sauer's?

2 A. Right.

3 Q. Sauer's employees?

4 MR. ABRAMS: Object to the form of the
5 question.

6 A. It could have been Sauer's in there.
7 It could have been Sauer himself. I don't know.

8 Q. You say it could have been Sauer
9 himself?

10 MR. ABRAMS: Object. It is leading,
11 calls for speculation.

12 A. Yes, Sauer drove his own trucks at
13 times. Fritz drove his own trucks and he had
14 other guys drive trucks too, so he could have
15 hauled them or his employees could have hauled
16 them out of there.

17 Q. Do you recall seeing Fred Sauer haul a
18 dumpster?

19 A. No.

20 Q. How did you know those dumpsters were
21 Fred Sauer's?

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1 MR. ABRAMS: I object to the form of
2 the question. You are assuming facts not in
3 evidence.

4 Q. You can answer the question.

5 A. Because the type of what they looked
6 like. He was the only man that had a dumpster
7 like that. He was the only guy that had the type
8 of dumpster that looked like that.

9 Q. And can you describe what they looked
10 like that told you that they were Sauer's
11 dumpsters?

12 A. They were a lightish green.

13 Q. You say a lightish green?

14 A. Yes.

15 Q. Did any other hauling company have
16 dumpsters that looked like that?

17 MR. ABRAMS: Objection, calls for
18 speculation.

19 A. Not as far as I can remember.

20 Q. Did those dumpsters have any markings
21 on them?

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1 A. I can't remember.

2 Q. Do you know if any other hauling
3 company had green containers?

4 A. Yes, a whole lot of them had green
5 containers, I think.

6 Q. Can you name any of them?

7 A. Robb Tyler had a green containers, but
8 it was a darker green than Sauer's container.

9 Q. Can you recall any other hauling
10 companies that had green containers?

11 A. No.

12 Q. Can you recall what color Bohager's
13 containers were at that time?

14 A. I think Bohager containers was
15 maroonish-like. Kind of maroon.

16 Q. Maroonish?

17 A. Yes.

18 Q. You refer to the color maroon?

19 A. Yes.

20 Q. Was there ever a time when Robb Tyler's
21 containers were blue?

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SINCE 1968

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1 A. No, he never used blue. With BFI, BFI
2 bought him out. Robb Tyler never used blue
3 containers.

4 Q. So in the late '60s, Sauer, I am sorry,
5 Robb Tyler had dark green containers?

6 A. Yes.

7 Q. And Fred Sauer had light green
8 containers?

9 A. Yes.

10 MR. ABRAMS: What time are we talking
11 about, counsel?

12 MR. GRUMMER: The late '60s.

13 MR. ABRAMS: Object to the form of that
14 question as leading.

15 MR. GRUMMER: What exhibit number is
16 the affidavit?

17 MS. CASANO: One.

18 Q. I would like to ask you to look at
19 Exhibit 1 which is your affidavit, and
20 specifically at paragraph 13, and I would like to
21 read that. Paragraph 13 states:

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1 "Standard Oil was a customer of
2 Sauer's. I saw Sauer containers on the Standard
3 Oil property."

4 Was that statement true when you made
5 your affidavit?

6 A. Yes.

7 Q. Is it true today?

8 MR. ABRAMS: Objection, no foundation.

9 A. The statement is true.

10 MR. ABRAMS: I didn't hear that.

11 MR. RYAN: The statement is true.

12 Q. I would like to ask you to look at
13 Exhibit 2 and specifically page 99, and beginning
14 at line 1, I am going to read a question and
15 answer that you gave on June 5, 1990.

16 "Question: Mr. Ragsdale, let me ask
17 you a question. Do you know whether Standard Oil
18 was a customer of Sauer's?

19 "Answer: As far as I remember, by the
20 containers they had, they were his customer."

21 Was that answer true when you gave it?

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SINCE 1946

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1 A. Yes.

2 Q. And is it true today?

3 A. Yes.

4 Q. So, Mr. Ragsdale, you have now
5 testified on three occasions that Standard Oil was
6 a customer of Fred Sauer's and that you knew that
7 because of the containers that you saw there. Do
8 you have any doubt that that is true?

9 MR. ABRAMS: I object to the
10 introduction and mischaracterization that precedes
11 that question. It is also leading.

12 Q. You can answer the question.

13 A. I forgot what you said now.

14 Q. Today and on two previous occasions you
15 have testified that Standard Oil was a customer of
16 Sauer's. Do you have any doubt about that?

17 MR. ABRAMS: Object to the form of the
18 question.

19 A. He was a customer of Sauer's. Sauer's
20 customer.

21 Q. Do you have any doubt about that?

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1 A. No, I don't have any doubt.

2 MR. ABRAMS: Objection.

3 Q. You described the Sauer containers as
4 being 30-yard containers. Did other hauling
5 companies have 30-yard containers?

6 MR. ABRAMS: Objection, no foundation.

7 A. I don't understand what you mean by
8 other companies.

9 Q. Did other waste or trash hauling
10 companies have those types of containers?

11 A. All trash companies got 30-yard, that
12 is in business, got 30-yard containers.

13 Q. Do you know what type of waste was in
14 the 30-yard Sauer containers?

15 A. No, I don't.

16 Q. Did you ever see the waste that was in
17 the 30-yard Sauer containers?

18 A. No.

19 Q. Did you ever see anyone hauling the
20 30-yard Sauer containers?

21 A. No, I didn't.

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1 Q. Did you ever see a 30-yard Sauer
2 container at the Rosedale dump?

3 A. I didn't, no. Because I hauled mostly
4 the west side, and they hauled the east side. If
5 it was there, I didn't see them.

6 Q. Did Sauer ever haul his 30-yard
7 containers to the Rosedale dump?

8 MR. ABRAMS: Object to the form of the
9 question.

10 A. I don't know, I was west side. I
11 worked mostly west side.

12 Q. Did you ever see Michael Cefaloni when
13 you went to Standard Oil?

14 A. No.

15 Q. So I take it that Standard Oil was a
16 customer of Robb Tyler's and at the same time was
17 a customer of Fred Sauer's?

18 A. Yes.

19 MR. ABRAMS: Object to the form of the
20 question as leading, lacking in foundation.

21 Q. Was it unusual for a company to be a

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1 customer of two trash or waste hauling companies
2 at the same time?

3 A. Well, back in the '60s before they
4 started signing contracts, I would say you could
5 have two people in there. In later years when you
6 signed contracts, probably it was a one-owner
7 operation.

8 Q. So in the 1960s, it was not unusual for
9 a company to have two waste haulers?

10 A. No.

11 Q. Do you know when Standard Oil first
12 became a customer of Robb Tyler's?

13 MR. ABRAMS: Objection to the form of
14 the question.

15 A. No, I don't.

16 MR. ABRAMS: Assumes facts not in
17 evidence.

18 Q. Do you know when Standard Oil stopped
19 being a customer of Robb Tyler's?

20 MR. ABRAMS: Object to the form of the
21 question.

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1 A. No, I don't.

2 Q. Do you know when Standard Oil first
3 became a customer of Fred Sauer's?

4 MR. ABRAMS: Object to the form of the
5 question.

6 A. No, I don't.

7 Q. And do you know when he stopped being a
8 customer of Fred Sauer's?

9 MR. ABRAMS: Same objection.

10 A. No.

11 Q. Do you know of any other Robb Tyler
12 drivers that went to Standard Oil other than
13 yourself and Arthur Waring?

14 A. I don't know any others.

15 Q. Did you ever talk to anybody else other
16 than Arthur Waring about the waste disposal?

17 MR. RYAN: It is Warren, Mark.

18 Q. Did you ever talk to anyone other than
19 Arthur Waring about Standard Oil's waste disposal?

20 A. No.

21 Q. Do you remember a company named Anchor

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1 Post?

2 A. Yes.

3 Q. Where are they located?

4 A. Eastern Avenue and Kane Street, I
5 think.

6 Q. How far is that from the Sauer dump?

7 A. Approximately, I would say two mile.

8 Q. Have you ever been to Anchor Post?

9 A. Once or twice.

10 Q. Why did you go there?

11 A. Because I was sent there by the
12 dispatcher?

13 A. Did you go there to haul trash?

14 A. Yes.

15 Q. Can you tell me approximately what year
16 that occurred?

17 A. No.

18 Q. Can you tell me if it was before
19 Rosedale closed?

20 A. It was before Rosedale closed.

21 Q. So this would have been in the late

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1 1960s?

2 A. Yes.

3 Q. Can you remember what kind of a
4 container you picked up there?

5 A. I picked up a 40-yard open top.

6 Q. Where did you take that container?

7 A. Took it to Rosedale.

8 Q. Were you substituting for someone else
9 when you went to Anchor Post?

10 A. Yes, I was sent there by the
11 dispatcher.

12 Q. Do you know who usually went to Anchor
13 Post?

14 A. They could send anybody there.

15 Q. So I take it you can't remember any
16 other driver by name who went to Anchor Post?

17 A. No, I can't.

18 Q. Do you know if Anchor Post was a
19 customer of Robb Tyler at that time?

20 A. Yes.

21 Q. Can you remember anything about the

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1 contents of the container? Can you remember what
2 was in it?

3 A. Anchor Post usually distributed mostly
4 broken up wire and stuff like that. That is wire
5 mostly we hauled out of there.

6 Q. Can you remember anything else? Can
7 you remember any posts in the container?

8 A. Not as far as I can remember.

9 Q. Can you remember if there were any
10 liquids in that container?

11 A. I never seen it in there.

12 Q. Do you know if Anchor Post had more
13 than one hauling company?

14 A. As far as I know, it was Robb Tyler as
15 far as I know.

16 Q. Do you know if Michael Cefaloni ever
17 went to Anchor Post?

18 A. I don't know.

19 Q. Do you know if Anchor Post had any
20 other types of containers than the one you just
21 described?

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1 A. That is all I ever seen.

2 Q. Do you know what kind of business they
3 conducted there?

4 A. Wire fence is all I know. Wire
5 fences.

6 Q. Do you know if they ever disposed of
7 drums at Anchor Post?

8 A. I never seen any.

9 Q. Do you know of a company named O'Brien
10 Paint?

11 A. I heard of it.

12 Q. Did you ever go to O'Brien Paint?

13 A. No.

14 Q. Do you know if they were a Robb Tyler
15 customer?

16 A. They could have, I don't know.

17 Q. Do you know of any driver who went to
18 O'Brien Paint?

19 A. No, I don't.

20 Q. Do you know anything about O'Brien
21 Paint's disposal practices?

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1 A. No, because I worked the west side and
2 O'Brien Paint is the east side of town.

3 Q. Did you ever hear anything about
4 O'Brien Paint's disposal practices?

5 A. No.

6 MR. KARABA: Object. Calls for
7 hearsay.

8 Q. Do you know of a company named PORI?

9 A. Never heard of it.

10 Q. Have you ever heard of a company with
11 Palm Oil Recovery in the name?

12 A. No, I haven't. I never heard of it.

13 Q. I am referring to a PORI at Sparrows
14 Point. Does that refresh your recollection?

15 A. No. I never heard of that.

16 MR. GRUMMER: I have no further
17 questions.

18 MR. RYAN: Why don't we do a couple
19 more of the original defendants before lunch if we
20 can.

21 EXAMINATION BY MR. GUTTER:

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1 Q. Good afternoon, Mr. Ragsdale.

2 A. Good afternoon.

3 Q. We have met before, haven't we?

4 A. Yes.

5 Q. Was that at the time that your
6 statement was taken back in June?

7 A. Yes.

8 Q. Ms. Casano asked you some questions
9 concerning wire, and you answered something along
10 the lines that, she asked if you saw wire at the
11 landfill, you answered along the lines that it
12 could have been, you could see anything at a
13 landfill.

14 Did you mean that just generally you
15 might expect to see wire at a landfill?

16 A. I mean that generally that you, at a
17 landfill back in the '70s and '60s you could see
18 anything.

19 Q. If you saw wire at Sauer's landfill,
20 you wouldn't know where that came from, would you?

21 A. No, I wouldn't.

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1 Q. You mentioned that at one time you and
2 Cefaloni drove two different types of trucks.
3 What type of truck did you drive?

4 A. I was driving the roll-off and Cefaloni
5 was driving something called a lugger -- yes,
6 lugger. Little thing you pick up in the back.

7 Q. Do you know if Cefaloni ever drove a
8 flatbed?

9 A. He could have, I never seen him drive
10 it. He could have drove it. I never seen him
11 drive one.

12 Q. Do you know if Fritz Sauer had any
13 flatbed trucks back in the 1960s?

14 A. I can't say because I don't know that
15 much about what kind of trucks he had back in the
16 '70s. I know he had a thing called a Dino, picked
17 big boxes up; other trucks, I don't know.

18 Q. I want to ask you a few questions about
19 a couple of companies. Do you know a company
20 called Crown Cork and Seal?

21 A. Yes, I do.

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1 Q. Do you know where they were located in
2 the 1960s?

3 A. O'Donnell Street.

4 Q. Did you ever pull waste from Crown Cork
5 and Seal? *Crown Cork*

6 A. Yes, I pulled, yes, I pulled a
7 container from there.

8 Q. Was that part of your regular route?

9 A. That was part of, if they dispatched me
10 there, I would go there and get it.

11 Q. Was it generally somebody else's route?

12 A. Yes.

13 Q. Any idea how many times over the years
14 you pulled from Crown Cork and Seal?

15 A. I can't remember how many times I
16 pulled from Crown Cork and Seal.

17 Q. Do you remember what kind of container
18 they had there?

19 A. They had a 40-yard compactor.

20 Q. Any other containers?

21 A. They could have had some 30-yard open

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1 tops in there, I don't know, but I never pulled a
2 30-yard out of there, but they could have had some
3 in there.

4 Q. When you pulled the 40-yard compactor,
5 where would you take it to, from Crown Cork and
6 Seal?

7 A. Rosedale.

8 Q. During the four months or so after
9 Rosedale was closed, do you know if you ever
10 hauled Crown Cork and Seal to Sauer's landfill?

11 A. As far as I can remember, I didn't.

12 Q. Do you have any idea what was in the
13 40-yard compactor at Crown Cork and Seal, what
14 type of materials?

15 A. Crown Cork and Seal mostly had corking
16 for bottles, mostly corking material like that in
17 there.

18 Q. Bottle caps, too?

19 A. And bottle caps.

20 Q. Ever see any barrels with material at
21 Crown Cork and Seal?

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1 A. Mostly paper and pallets and, I don't
2 know whether it was a paint or what it was, but I
3 reckon it was paint, stuff they colored the cups
4 with.

5 Q. What was the paint in, what type of
6 container?

7 A. It was in a 5-gallon buckets, small
8 cans.

9 Q. Would that have been in the open top or
10 in the compactor, or both?

11 A. In the open top and the compactor.

12 Q. Do you know if they had any other boxes
13 there besides the open top and the compactor?

14 A. No, I don't.

15 Q. Do you ever recall seeing an eight-yard
16 box there with ash?

17 A. I never seen one of those there with
18 ash.

19 Q. Where did you take the loads to when
20 you pulled from Maryland Cup?

21 A. We could take them to either Reedbird

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1 if, or either Rosedale.

2 Q. What would determine whether it went to
3 Reedbird or Rosedale on a particular day?

4 A. It is according to where, if you leave
5 the west side, you bring it back to Patapsco; if
6 you leave the east side, you bring it back to
7 Rosedale, depending on what is closest.

8 Q. I am a little confused by that. You
9 mean if you wanted to end up on the east side of
10 town, you would take it to Rosedale?

11 A. According to the west side of town you
12 are working on.

13 Q. I see, and there were times, though,
14 that you took it to Rosedale?

15 A. Yes.

16 Q. If you had to, could you say whether it
17 was more common to take the Maryland Cup loads to
18 Reedbird or Rosedale?

19 A. You say it would be more common?

20 Q. Could you say whether it would be more
21 common to take it to one or the other of the two

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LATER
SAYS
REEDBIRD
B.227
SWEET
CUP
RO

1 landfills?

2 A. I don't understand what you are talking
3 about.

4 Q. When you pulled from Maryland Cup, you
5 said that sometimes you took it to Reedbird,
6 sometimes you would take it to Rosedale. Which
7 one did you take the Maryland Cup loads to more?

8 A. I would say Rosedale.

9 Q. Was Maryland Cup part of your regular
10 route during the four months after Rosedale
11 closed?

12 A. I really, I don't know. I don't, I
13 don't think so.

14 Q. Do you have any idea if they were a
15 Robb Tyler customer at that time?

16 A. Yes, they was our, they were a Robb
17 Tyler customer.

18 Q. Do you recall ever hauling material
19 from Maryland Cup to Sauer's landfill?

20 A. I never hauled Maryland Cup to Sauer
21 Landfill.

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1 Q. Do you know if Fred Sauer ever pulled
2 loads from Maryland Cup?

3 A. No, not as far as I know, he never
4 pulled a load from Maryland Cup.

5 Q. Do you know if Mike Cefaloni ever
6 hauled loads from Maryland Cup?

7 A. No, he never hauled a load from
8 Maryland Cup, Mike Cefaloni, as far as I know,
9 because he didn't have the right type truck to
10 haul it with.

11 Q. Why do you say that, right type -- oh,
12 you are talking about the roll-off boxes?

13 A. Yes.

14 Q. Do you know if Mike Cefaloni ever
15 hauled barrels from Maryland Cup?

16 A. As far as I know, no.

17 Q. You don't know one way or the other, or
18 the answer is no, he did not?

19 A. I don't know one way or the other.

20 Q. Just describe for me a little better if
21 you can what the contents of the liquids in those

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1 cans at Maryland Cup were that you were talking
2 about.

3 A. Well, when you pull it, it look like it
4 is, you know, yellow paint, red, all different
5 colors of paint. Looked like paint. I don't know
6 whether it was paint or not.

7 Q. Did it have a smell to it?

8 A. No, not much of a smell.

9 Q. Did you ever haul Maryland Cup material
10 to the Norris Farms Landfill?

11 A. I can't remember whether we had lost
12 Maryland Cup when Norris Farm opened. I can't
13 remember.

14 Q. But you are sure that you hauled from
15 Maryland Cup in the years when Rosedale was open?

16 A. I am sure of that.

17 MR. GUTTER: That is all I have, thanks
18 a lot.

19 EXAMINATION BY MR. BYRD:

20 Q. Mr. Ragsdale, my name is Ron Byrd, and
21 I represent Baltimore Gas & Electric Company.

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1 A. I never seen any in it.

2 Q. Any liquids?

3 A. Never seen any liquids in it.

4 Q. Do you have any idea if anyone else
5 than Robb Tyler hauled wastes from Crown Cork and
6 Seal during the 1960s?

7 A. As far as I can think, no, I don't
8 know.

9 Q. You don't know one way or the other?

10 A. One way or the other, no.

11 Q. Do you know a company that is now
12 called Sweetheart Cup on Reisterstown Road?

13 A. Yes, I know Maryland, Sweetheart Cup.

14 Q. Did you at one time know it as Maryland
15 Cup?

16 A. Maryland Cup, yes, I did.

17 Q. Did you ever pull from there?

18 A. Yes.

19 Q. Was that part of your regular route,
20 let's say, during the 1960s?

21 A. Yes. Part of my regular route.

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SINCE 1968

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1 Q. While you were working for Robb Tyler?

2 A. Yes, while I -- yes.

3 Q. Can you give me any sense of when you
4 began pulling for Maryland Cup?

5 A. I pulled out of Maryland Cup anywhere
6 from '67 through '69.

7 Q. Beginning in '67, do you recall what
8 type of containers were there?

9 A. Had a 30-yard compactor.

10 Q. Just one?

11 A. One then.

12 Q. Did they have any other boxes there
13 that you know of?

14 A. Later on they got an open top in
15 there.

16 Q. What size?

17 A. 30-yard.

18 Q. Were both of those Robb Tyler boxes?

19 A. Yes.

20 Q. Do you recall what you saw in those
21 boxes?

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1 I just want to ask you a few questions,
2 first about fly ash. Earlier this morning you
3 were asked if there were other people besides, or
4 other companies besides BG&E that developed or
5 generated fly ash, and you said you didn't know of
6 any. Was that because there aren't any, or you
7 simply don't have knowledge of other companies
8 that might make fly ash?

9 A. I don't have knowledge of any other
10 companies that make fly ash.

11 Q. So what you are saying is there could
12 be other companies that make fly ash but you are
13 just not aware of who they are?

14 A. Right.

15 Q. Can you tell me approximately how many
16 times you were at Sauer's back in the '60s?

17 A. Al together, I wasn't there at Sauer's
18 over six times.

19 Q. Not more than six times.

20 A. I would say, yes, about six times.

21 Q. And each time you were there you were

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1 there for about a half an hour?

2 A. Something like that.

3 Q. Okay. So would it then be fair to say
4 that you were probably not at Sauer's more than
5 three hours in your whole life?

6 A. Something like that.

7 Q. Each time you were there back in '69,
8 approximately how many other trucks were at the
9 site?

10 A. I couldn't say.

11 Q. Well, could you say that there were a
12 lot of trucks there at the time, at the times you
13 were there, or a few? Could you characterize it
14 generally?

15 A. I would say a few of them were there,
16 sometimes -- it is according to when you get
17 there. If you get there early in the morning --
18 that is a hard question to ask, answer.

19 Q. Were there any times when you got there
20 that there were a whole lot of trucks there?

21 A. No.

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SINCE 1906

INC.

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1 Q. And you testified that when you were
2 there, you remember seeing fly ash there?

3 A. Yes.

4 Q. Do you have a specific recollection
5 that long ago of seeing one of Mr. Parker's trucks
6 there, or were you saying that because you saw fly
7 ash on the ground there?

8 A. I seen him dump the fly ash on the
9 ground.

10 Q. You saw Mr. Parker himself or one of
11 his employees?

12 A. One of his employees driving the
13 truck.

14 Q. Do you know who that employee was?

15 A. I don't know his name.

16 Q. Can you tell me what Mr. Parker's
17 trucks looked like.

18 A. Yes, he had red Internationals, yes.

19 Q. Do you know what he had printed on the
20 truck?

21 A. Parker and Son.

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SINCE 1966

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1 Q. Now, you prepared or you provided Mr.
2 Gulley information for your affidavit, right? You
3 sat down and talked to him before this affidavit
4 was made; is that right? You know the affidavit
5 that we have been talking about this morning?

6 MR. RYAN: Exhibit 1.

7 A. Yes.

8 Q. Exhibit 1. I presume that the
9 information in this affidavit was your knowledge
10 with respect to the parties that took stuff to
11 Sauer's landfill; is that right?

12 A. Yes.

13 Q. I noticed on here that you talked about
14 Baltimore Gas & Electric's waste being hauled by
15 Mr. Bohager in paragraph 11.

16 A. Uh-huh.

17 Q. You don't state in there anything about
18 fly ash. Was that because you didn't recall back
19 then that fly ash went to the site?

20 A. Like I said, that was, that is
21 confusing to me. Paragraph No. 11.

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1 Q. Do you recall discussing fly ash back
2 then with Mr. Gulley?

3 MR. RYAN: I am going to object. What
4 are you talking about, Ron? You mean the meeting
5 he had with Mr. Gulley before the affidavit was
6 signed?

7 MR. BYRD: Yes. Let me strike that and
8 ask it another way.

9 Q. Did you remember back then, back when
10 this affidavit was drawn up, that fly ash was at
11 the site at the Sauer's dump?

12 A. Yes, when this was drawn up, I remember
13 talking about fly ash.

14 Q. You do.

15 A. But not this question about Bohager.

16 Q. Did you ever meet Mr. Parker?

17 A. No.

18 Q. You never talked to him?

19 A. No.

20 Q. Do you know what he looked like?

21 A. I never met him.

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1 Q. Did you ever see Mr. Parker's trucks at
2 Rosedale?

3 A. Yes.

4 Q. Was that before or after Sauer? Was
5 that during the 1960s?

6 A. During the '60s.

7 Q. Did you ever see any other trucks
8 hauling ash into Rosedale?

9 A. No, I didn't, not as far as I can
10 remember.

11 Q. Do you remember seeing any other trucks
12 hauling ash into Sauer's?

13 A. No.

14 Q. Do you have any recollection of City
15 trucks hauling trash, City incinerator ash into
16 Rosedale?

17 MR. MASUR: Objection to the
18 characterization of the material being hauled.

19 A. No.

20 Q. No. Are you familiar with the City
21 incinerators on Pulaski Highway?

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1 A. Yes.

2 Q. Do you know where the ash from the City
3 incinerators went back in the 1960s?

4 A. Went to cover the City landfill.

5 Q. To cover the City landfill. Where was
6 that located? Which City --

7 A. Monument and Highland Avenue.

8 Q. Did you ever see City ash going to
9 Rosedale?

10 A. Not as far as I can remember, I haven't
11 seen it. I wouldn't swear to it, though.

12 Q. Going back to Parker a second, do you
13 recall ever seeing Parker's trucks at any of the
14 landfills over on the west side?

15 A. Yes.

16 Q. What landfills?

17 A. Reedbird.

18 Q. Reedbird. Was he hauling ash into
19 Reedbird?

20 A. Yes.

21 Q. Did he ever haul anything else besides

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1 ash?

2 A. As far as I know, all he hauled was
3 ash.

4 Q. Any other dump sites besides Reedbird?

5 A. He hauled to Rosedale, too.

6 Q. Any other ones?

7 A. That is all I know of.

8 Q. Do you remember seeing him at Reedbird
9 back in the late '60s?

10 A. Who you talking about?

11 Q. Parker.

12 A. Yes, I just told you he hauled into
13 Reedbird.

14 Q. Right, but back during the late '60s?

15 A. Uh-huh.

16 Q. Have you ever heard of a company called
17 American Cooperage?

18 A. Yes, I heard of American Cooperage.

19 Q. Do you know where they are located?

20 A. Let me see. I think they are located
21 on Fayette.

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1 Q. Fairmont?

2 A. Fayette and Fairmont, I think it is.

3 Q. Did you ever haul for American
4 Cooperage?

5 A. No.

6 Q. Do you know if they were a Tyler
7 customer?

8 A. I don't know, tell you the truth.

9 Q. Are you familiar with any American
10 Cooperage trucks, do you remember if they had any
11 trucks?

12 A. I can't remember.

13 Q. Did you ever see American Cooperage
14 waste being dumped at any dump site?

15 A. No, I wouldn't know American Cooperage
16 from anybody's else's. I don't think so.

17 Q. You indicate in your affidavit that you
18 had, you remembered hauling waste from Pemco
19 Paint.

20 A. Right.

21 Q. Where is that located?

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1 A. Eastern Avenue and, right across from
2 the City Hospital, best I know. I forget the name
3 of the street.

4 Q. Was it in or around the 5000 block of
5 Eastern Avenue?

6 A. It could have been.

7 Q. Did it go by any other name?

8 A. Back then it went by the name of
9 Pemco.

10 Q. Was it ever under the name of Glidden
11 Durkee?

12 A. No, as far as I know.

13 Q. Are you familiar with back in the '60s
14 a Glidden Durkee plant on Eastern Avenue?

15 A. No. Never heard of it.

16 Q. How about SCM?

17 A. I know where SCM is at.

18 Q. Where is that at?

19 A. Broening Highway, one of them.

20 Q. Did you ever haul there?

21 A. No, not in the '60s, I haven't.

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1 Q. In the '70s?

2 A. Never hauled it in the '70s.

3 Q. When did you haul there?

4 A. I have hauled there in the '80s.

5 Q. What kind of, what size container were
6 you hauling out of there?

7 A. 30-yard out of there.

8 Q. What kinds of trash were you hauling?

9 A. And front-end 6-yarders.

10 Q. What kinds of trash were you hauling
11 out of there?

12 A. Pallets and bags.

13 Q. Empty bags or did the bags have
14 something in them?

15 A. Empty bags.

16 Q. Any liquids?

17 A. Never hauled any liquid out of there.

18 Q. Mr. Ragsdale, I refer you to Exhibit 2,
19 page 97 of the transcript. Quoting beginning at
20 line 5, I am going to read into the record:

21 "Question: Did you haul from Pemco to

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1 the Sauer Landfill?

2 "Answer: Yes.

3 "Question: Was that also during this
4 period after Rosedale closed?

5 "Answer: Yes.

6 "Question: Can you tell me anything
7 about what kind of waste you hauled from Pemco?

8 "Answer: Pemco was a chemical
9 corporation, and to my knowledge it was hazardous
10 waste.

11 "Question: You saw it was?

12 "Answer: To my knowledge, I don't know,
13 it was all white powdery stuff.

14 "Question: You say it was white powdery
15 stuff?

16 "Answer: Yes. They make paint.

17 "Question: Pemco makes paint?

18 "Answer: Yes."

19 Turning to page 98.

20 "Question: Can you tell me anything
21 more about the materials you hauled?

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1 "Answer: That is all I can tell you."

2 Mr. Ragsdale, what I just read, would
3 you change any of that testimony today?

4 A. No.

5 Q. So was that testimony you gave that I
6 just read fair and accurate?

7 A. Yes.

8 Q. Mr. Ragsdale, have you ever heard of
9 Canton Railroad Company?

10 A. No.

11 Q. Are you familiar with Lord Baltimore
12 Press?

13 A. Yes, used to be on Edison Highway.

14 Q. Edison Highway. Did you ever haul or
15 pull from Lord Baltimore Press?

16 A. No.

17 Q. Do you know anybody that did?

18 A. Not as far as I can remember, I don't
19 know anybody that did.

20 Q. Were they a Robb Tyler customer back in
21 the '60s?

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1 A. They could have been.

2 Q. Do you know what kind of container they
3 had on site?

4 A. I think they had a 30-yard compactor, I
5 think.

6 Q. What is that based on? Were you ever
7 there?

8 A. I passed it when I am going home.

9 Q. Do you know who the compactor belonged
10 to?

11 A. I couldn't say. I don't know whether
12 it was Robb Tyler or who. It could have been Robb
13 Tyler, I don't know.

14 Q. Do you recall what color it was?

15 A. Rusty.

16 Q. It was rusty?

17 A. Yes.

18 Q. Is that a color or a condition?

19 A. That is a condition.

20 Q. Do you recall whether Cefaloni ever
21 went to Lord Baltimore Press?

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SINCE 1900

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1 A. I couldn't say.

2 Q. You talked earlier this morning about
3 the spotter telling people where to dump.

4 A. Yes.

5 Q. Do you know where the spotter told
6 Parker where to dump?

7 A. I couldn't say that because we were
8 trash, and all, like I say, all I know about
9 trash. I don't know about that fly ash part.

10 MR. BYRD: I don't have anything else
11 right now.

12 MR. RYAN: Let's break for lunch. Back
13 at 1:30?

14 MS. CASANO: Sounds good.

15 (Luncheon recess taken.)

16 EXAMINATION BY MR. GUTTER:

17 Q. Mr. Ragsdale, I just wanted to ask you
18 a few questions on some matters I neglected to
19 raise when I spoke with you earlier.

20 In your affidavit that has been marked
21 as Ragsdale 1, if I can direct your attention to

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1 paragraph 15, in which it states that you recalled
2 hauling wastes from Crown Cork and Seal to the
3 Sauer Landfill, it goes on to say, "however, the
4 waste consisted primarily of scrap cork. I do not
5 recall hauling any sludges, drums or chemicals
6 from Crown Cork and Seal."

7 Do you recall hauling wastes from Crown
8 Cork and Seal to the Sauer Landfill?

9 A. No, I didn't haul that, I hauled that
10 to Rosedale. I never hauled Crown Cork and Seal
11 to Sauer.

12 Q. Let me ask you to take a look at
13 Exhibit 2, the transcript of your earlier
14 statement. On page 98, beginning at line 4 and
15 going down to line 17, there is some additional
16 testimony regarding Crown Cork and Seal. I won't
17 read it into the record. Just take a look at it
18 for a minute.

19 Does that refresh your recollection as
20 to whether you hauled Crown Cork and Seal material
21 to Sauer's landfill?

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1 A. Yes. Yes.

2 Q. What is that recollection now?

3 A. Yes, I did haul it to Sauer Landfill.

4 At first I said I didn't.

5 Q. But now, having looked back at this
6 statement, it is your recollection that you did?

7 A. I did, yes.

8 Q. I want to ask you one other question
9 about Maryland Cup that we discussed earlier. You
10 described some materials in the containers from
11 Maryland Cup. Did you see any colored inks in the
12 cans from Maryland Cup?

13 A. Colored ink?

14 Q. Yes.

15 A. Yes, I saw ink in there.

16 Q. Thank you.

17 MR. GUTTER: No further questions.

18 EXAMINATION BY MR. BYRD:

19 Q. Mr. Ragsdale, I refer you to Exhibit 1,
20 your affidavit, to paragraph 18. In paragraph 18
21 you state, or it is stated that you hauled Allied

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1 Chemicals waste to the Sauer Landfill. Is that
2 correct?

3 A. Correct.

4 Q. Is that your testimony today?

5 A. Yes.

6 Q. I direct you to Exhibit 2, page 49,
7 line 5:

8 "Question: Do you recall hauling waste
9 from Allied Chemicals to Sauer's dump?

10 "Answer: Sure.

11 "Question: Can you tell me about that?
12 Can you tell me how often?

13 "Answer: Sometimes on Saturday, I used
14 to pick up a load from Allied Chemicals, take it
15 down and dump it, take the can back.

16 "Question: Do you recall anything about
17 what kind of waste you hauled from Allied?

18 "Answer: I don't know what is in the
19 can, all I know is that there was trash in the
20 can, that is all I know. Whatever was in the can,
21 that is all I hauled.

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1 "Question: You hauled a container from
2 Allied?

3 "Answer: Sure."

4 Is there anything today that you would
5 change in that testimony?

6 A. No.

7 Q. Do you recall what Allied plant you
8 were hauling from?

9 A. I hauled from Allied on Block Street.

10 Q. Where is that located? In east
11 Baltimore?

12 A. East Baltimore or south Baltimore, I
13 think. It is south Baltimore, I think.

14 Q. Okay. Do you recall what size
15 containers Allied had there?

16 A. 42-yard, 40-yard compactor.

17 Q. 40-yard or 42-yard?

18 A. 40-yard.

19 Q. I take it that Allied was then a Robb
20 Tyler customer during the time you were hauling
21 for them?

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1 A. Yes.

2 Q. Do you recall what you meant by trash
3 in the testimony I just read?

4 A. By trash? Bags and pallets and stuff
5 like that.

6 Q. Do you know what they were
7 manufacturing at the Allied plant there?

8 A. No, I don't.

9 Q. I direct your attention to Exhibit No.
10 1, paragraph 12. The affidavit states in
11 paragraph 12: "Container Corp. was a major
12 customer of Sauer."

13 Is that your testimony today?

14 A. Yes, sir.

15 Q. What is that based on?

16 A. He was the only one had that stop at
17 the time. That --

18 Q. When you say he, who do you mean?

19 A. Sauer's.

20 Q. And where was that stop, do you know?

21 A. It is at Eastern Avenue and Kane

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1 Street, I think it is, on the right side, coming
2 up.

3 Q. Do you know what kind of facility that
4 was?

5 A. Paper.

6 Q. Paper?

7 A. All I would see is big rolls of paper.
8 What they make, I don't know.

9 Q. I direct your attention to Exhibit 2,
10 page 95. Specifically on page 96, lines 19 through
11 21, can you look at that and review it.

12 You indicate in those lines that you
13 saw Sauer hauling Container Corporation waste.
14 Would that be your testimony today?

15 A. Yes. Sure.

16 Q. Do you know whether Container Corp. was
17 a Robb Tyler customer also during that time?

18 A. Not as far as I can remember, no.
19 Never has been a Robb Tyler customer, as far as I
20 know.

21 Q. Did you actually see Sauer on Container

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1 Corp.'s premises?

2 A. No, I saw them on the landfill.

3 Q. On the landfill?

4 A. Yes.

5 Q. But he was hauling Container Corp.'s
6 waste?

7 A. Right.

8 Q. Did they have their own dumpster or was
9 there, what kind of dumpster did they have?

10 A. Well, I know it was Sauer's dumpsters,
11 30-yarders.

12 MR. BYRD: I don't have anything
13 further.

14 EXAMINATION BY MR. ABRAMS:

15 Q. Mr. Ragsdale, my name is Robert Abrams,
16 I am one of the attorneys representing Exxon
17 Corporation in this case. You may wish to think
18 of me as the attorney for Standard Oil.

19 A. Okay.

20 Q. Prior to beginning your deposition this
21 morning, I noticed that you were talking with Mr.

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1 Grummer, the attorney for General Motors, the
2 gentleman sitting down at the end of that table on
3 the left with the silver hair. Is that correct?

4 A. Yes.

5 Q. Prior to this morning, had you met with
6 him on a few occasions?

7 A. Once.

8 Q. And was that one occasion when you gave
9 this statement on June 5, 1990?

10 A. Yes.

11 Q. Either when you met with him on June 5,
12 1990 or this morning prior to beginning your
13 deposition, did Mr. Grummer tell you his ideas
14 about this case?

15 MR. GRUMMER: Object to the question,
16 vague and ambiguous.

17 A. I can't remember.

18 Q. Did he say anything to you about
19 Standard Oil this morning?

20 A. I can't remember.

21 Q. You can't remember what he said to you

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1 this morning?

2 A. I can't remember what, whether he asked
3 me anything about Standard Oil this morning or
4 not.

5 Q. Tell me, generally, what did he say to
6 you this morning?

7 A. Asked me about General Motors is all I
8 know. I can't give you it off the top of my
9 head.

10 Q. You don't recall him mentioning
11 Standard Oil this morning; is that --

12 A. He could have. I just can't remember.

13 Q. Back in June of 1990, do you remember
14 Mr. Grummer mentioning Standard Oil to you?

15 A. I can't remember.

16 MR. RYAN: Do you mean on the record,
17 Bob, or just anytime?

18 MR. ABRAMS: Anytime.

19 A. I can't remember, I don't know.

20 Q. Now, you testified that you were with
21 Arthur Waring --

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1 A. Right.

2 Q. -- at Standard Oil's property on a few
3 occasions. Were those few occasions the only
4 times you were at the Standard Oil facility?

5 A. Yes.

6 Q. And you can't tell me the specific
7 times you were there, can you?

8 A. No, I can't.

9 Q. As far as you can recall, that may have
10 been 1966 or '67 or '68; is that correct?

11 A. Correct.

12 Q. Now, when you were with Mr. Warren, Mr.
13 Warren picked up Robb Tyler 6-yard containers, and
14 he took those containers, along with you, to
15 Rosedale; is that correct?

16 A. Correct.

17 Q. When you were at the Standard Oil
18 facility on those few occasions, did you ever talk
19 with any Standard Oil employees?

20 A. No, I haven't.

21 Q. Now, when you were there with Mr.

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1 Warren, you saw what appeared to you to be Sauer
2 30-yard containers?

3 A. Correct.

4 MR. GRUMMER: Objection,
5 mischaracterizes his testimony.

6 Q. Did you see any writings on those
7 containers, decals or such, that told you the
8 owner of those containers?

9 A. No.

10 Q. There were no signs of decals or labels
11 of any type on those 30-yard containers; is that
12 correct?

13 A. Not as far as I can recall.

14 Q. You never saw those 30-yard containers
15 hauled away, did you?

16 A. I never saw them hauled away.

17 Q. And you never saw a Sauer driver on
18 Standard Oil's property; is that correct?

19 A. Correct.

20 Q. Now, as far as you know, sitting here
21 today, Standard Oil may have been the owner of

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1 those containers; is that correct?

2 MR. GRUMMER: Objection, leading
3 question.

4 MR. ABRAMS: It certainly is, counsel.

5 A. They could and they could not have.

6 Q. You don't know one way or another; is
7 that correct?

8 A. I don't know one way or another, but I
9 know they was Sauer's containers.

10 Q. You know that they were green
11 containers, correct?

12 MR. GRUMMER: Objection, leading
13 question.

14 A. Yes, a light green container.

15 Q. Do you know who owned those containers?

16 A. Sauer's owned them.

17 Q. How do you know Sauer owned them?

18 A. Because I have seen them before.

19 Q. You saw those types of containers?

20 A. Those types, okay.

21 Q. Correct?

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1 A. Correct.

2 MR. GRUMMER: Objection, leading.

3 Q. As far as you know, Standard Oil may
4 have bought those containers from Sauer; is that
5 fair to say?

6 MR. GRUMMER: Objection, leading and
7 badgering the witness.

8 Q. As far as you know?

9 A. As far as I know.

10 Q. Is that correct?

11 A. It could have been.

12 Q. Did you ever hear of companies leasing
13 containers from anyone?

14 A. No.

15 Q. Sitting here today, you don't know
16 whether or not Standard Oil was leasing those
17 containers from the owner, whoever that owner was;
18 is that correct?

19 MR. GRUMMER: Objection, leading.

20 A. Correct.

21 Q. Now, you usually worked on the west

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1 side of town, correct?

2 A. Right.

3 Q. And the Standard Oil facility is on the
4 east side of town, correct?

5 A. Right.

6 Q. And you typically drove at night, not
7 during the day, correct?

8 A. I didn't say that.

9 Q. Did you usually work at night or did
10 you usually work in the day?

11 A. Worked both shifts at times.

12 Q. Can you tell me in 1965, '6 or '7
13 whether you worked nights or days?

14 A. I worked night and day sometimes.

15 Q. From your observation, do most hauling
16 companies put their decals or signs on their
17 dumpsters?

18 A. Most major hauling companies put decals
19 and signs on their dumpsters.

20 Q. But a lot of smaller companies from
21 your observation do not put decals on; is that

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1 correct?

2 A. Some of them do.

3 Q. Some do, some don't?

4 A. Some don't.

5 Q. Are there a lot of hauling companies in
6 the Baltimore area?

7 A. You mean now or then?

8 Q. Then.

9 MR. RYAN: Could you be more specific,
10 Bob, like more than how many or --

11 MR. ABRAMS: Sure.

12 Q. From your observation, was the trash
13 hauling business a very competitive business in
14 the 1960s and 1970s?

15 A. Sure.

16 Q. And there were a lot of companies that
17 were trying to get customers; is that correct?
18 Hauling companies were trying to get customers and
19 haul their trash; is that correct?

20 MR. GRUMMER: Objection, leading.

21 A. I think so.

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1 Q. Did you observe that your customers
2 switched haulers from time to time? Sometimes
3 they --

4 MR. GRUMMER: Objection.

5 Q. Sometimes they would hire Robb Tyler
6 and sometimes they would hire someone else?

7 MR. GRUMMER: Objection to "your
8 customers."

9 A. I can't, I can't --

10 Q. Did you ever notice that certain
11 customers you were picking up from suddenly
12 stopped using Robb Tyler and hired another hauler?

13 A. Yes, I have seen that happen.

14 Q. Did that happen fairly often?

15 A. Not too often.

16 Q. But sometimes?

17 A. Sometimes it happened.

18 Q. And did you also observe that sometimes
19 those customers came back to Robb Tyler after
20 being with some other hauler?

21 A. Yes.

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1 Q. So it was your observation that
2 customers switched back and forth between trash
3 hauling companies from time to time; is that fair
4 to say?

5 A. Fair to say, yes, they did do, they
6 still do.

7 Q. Now, the basis upon which you say
8 Standard Oil was a Sauer customer was because of
9 those 30-yard containers that you saw on
10 Standard's properties; is that correct?

11 A. Right.

12 Q. Did you see any containers with a
13 Standard logo on it?

14 A. I never.

15 Q. You never did?

16 A. Never have.

17 Q. You never saw a sign on any container
18 that said, in effect, this container is owned by
19 Standard, correct?

20 A. I never have.

21 Q. Now, sitting here today, can you tell

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1 me if, in fact, Standard Oil was a Robb Tyler
2 customer at specific points in time?

3 A. All I know, the way we picked it up, it
4 was a Robb Tyler customer.

5 Q. On those three occasions when you were
6 with Mr. Warren, correct?

7 A. Right.

8 Q. And you can't tell me the specific
9 dates of that, can you?

10 A. No.

11 Q. When was the last time you talked with
12 Mr. Warren?

13 A. About a month before he died.

14 Q. When did he die?

15 A. Three months ago.

16 Q. At the beginning of this deposition,
17 Ms. Casano mentioned that you distinguished
18 typically between waste and trash. Can you tell
19 me what you mean by waste and what you mean by
20 trash?

21 A. Well, I consider trash as paper,

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1 rubbish, wood, and I consider waste as garbage
2 that, household garbage, restaurant bar garbage,
3 trash, stuff like that. That is my difference
4 between, there is a difference between trash and
5 garbage, trash and waste.

6 Q. Mr. Ragsdale, I would like to direct
7 your attention to the statement you gave on June
8 5, 1990, Exhibit 2, page 88, beginning line 10. I
9 will read the questions and answers you were asked
10 from that point through page 89, line 7. I will
11 then ask you, sir, whether, if I asked you those
12 questions again today, you would give me the same
13 answers.

14 "Question: I asked a moment ago if you
15 would consider Boswell a truthful person. Let me
16 ask the same question about Michael Cefaloni. Can
17 you tell me if you thought he was a truthful
18 person?

19 "Answer: No.

20 "Question: You would say you did not
21 think he was truthful?

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1 "Answer: I don't think he is truthful.

2 "Question: Can you explain that to me?

3 "Answer: I think he lies.

4 "Question: Can you tell me why you
5 think that?

6 "Answer: Why I think he lies?

7 "Question: Yes.

8 "Answer: I mean, you can tell a person
9 is a liar from a person telling the truth. That
10 is why -- that is the way I feel.

11 "Question: That is based on knowing him
12 for a long time?

13 "Answer: Sure."

14 If I asked you those same questions
15 again today, Mr. Ragsdale, would you give me the
16 same answers?

17 A. Yes. Yes.

18 MR. ABRAMS: Thank you very much, sir.

19 EXAMINATION BY MR. MASUR:

20 Q. Good afternoon, Mr. Ragsdale.

21 A. Afternoon.

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1 Q. My name is Dan Masur, and I represent
2 the City of Baltimore. Are you represented by
3 counsel at today's deposition?

4 A. Yes.

5 Q. Is Mr. Ryan serving as your attorney?

6 A. Yes.

7 Q. Did you review any documents before
8 appearing here today?

9 A. No.

10 MR. RYAN: I am not sure counsel's
11 affidavit is a document, but you might ask him
12 more directly.

13 Q. Did you review your affidavit before
14 appearing here today?

15 A. Yes.

16 Q. Did there come a time when the Sauer
17 Landfill ceased to operate?

18 A. I don't understand what you are
19 saying.

20 Q. Did there come a time when the Sauer
21 Landfill was closed?

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1 A. Yes.

2 Q. Do you recall there was a period of
3 time that we have referred to as a four-month
4 period, which was after the Rosedale Landfill
5 closed and before the Norris Farms Landfill
6 opened; do you recall that four-month period I am
7 referring to?

8 A. Yes, between when they opened the
9 Norris Farms and the Sauer Landfill?

10 Q. Well, and the closing of the Rosedale
11 Landfill.

12 A. When the land -- when the Rosedale
13 Landfill closed, we used Sauer Landfill for three
14 months, and then after that, Norris Farms opened
15 up and we used Norris Farms.

16 Q. Can you say how long it was after you
17 ceased using the Sauer Landfill that the Sauer
18 Landfill closed?

19 A. I don't know.

20 Q. Do you know if it was shortly
21 thereafter?

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1 A. I don't know.

2 Q. Do you recall there came a time when
3 what is now known as Lombard Street was
4 constructed in that area? Are you aware of that?

5 A. I am aware of Lombard Street, but I
6 don't know when it was constructed in that area.

7 Q. Okay. You were talking earlier about
8 where dumping occurred and made specific reference
9 to dumping near a plum tree which was located near
10 the fence between the high school and Sauer dump.
11 Do you recall that?

12 A. Right. I didn't say a plum tree, I
13 said plum trees.

14 Q. Right. Are we talking about a single
15 line of plum trees, or was there a fairly thick
16 area of trees up there?

17 A. Right.

18 Q. Which one? Was it a single line of
19 trees or was there --

20 A. It was a single line of trees upside
21 the fence, outside the fence.

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1 Q. Are we talking about the fence that
2 would run immediately behind Patterson High
3 School?

4 A. Immediately down from the ball park.

5 Q. You talked before, I want to clarify
6 something, you talked before about the ball fields
7 which you recall being, running alongside Kane
8 Street; is that correct?

9 A. Uh-huh. Right.

10 Q. And you are talking, then, about a
11 fence which ran between those ball fields and
12 Sauer's dump; is that correct?

13 A. Correct.

14 Q. Okay, and your testimony is that there
15 was a line of plum trees that ran along that
16 fence?

17 A. Right.

18 Q. Were they on the side of the fence
19 within the landfill or on the side of the fence
20 with the ball fields, or on --

21 A. From what I remember, it was on the

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1 side of the fence where the landfill was at.

2 Q. Do you recall there being any other
3 features that you recall between the landfill and
4 the fence, other than the trees?

5 A. No, I can't.

6 Q. Do you recall whether there was a
7 ravine or gully, specifically, between the
8 landfill and the ball diamond?

9 A. No, I can't.

10 Q. If you were standing on the dump
11 looking directly at Patterson High School, where
12 would those ball fields be?

13 A. It would be, now you got me confused.
14 I think it would be -- south of the landfill, I
15 believe it was.

16 Q. Well, if you were looking at Patterson
17 High School, would the ball fields be directly in
18 front of you or to your right or left?

19 A. Be directly in front of me.

20 Q. They would be directly in front of you?

21 A. Like I am looking at the window.

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1 Q. Were there any other trees on the
2 landfill that you recall?

3 A. Not that I recall. I didn't go there
4 that much.

5 Q. When you stood on the landfill, could
6 you see Patterson High School clearly or were
7 there trees between you and Patterson?

8 A. There was trees between us and
9 Patterson High School, but you could see the
10 school.

11 Q. Do you recall approximately how far the
12 plum trees were from the fence?

13 A. They were right beside the fence as far
14 as I could see.

15 Q. You testified that you dumped near the
16 plum trees. Did you dump among the plum trees or
17 on that side of the plum trees closer into the
18 landfill?

19 A. I dumped west of the plum trees going
20 up. Like, to City Hospital. It wasn't that close
21 to the plum trees, but you could see the plum

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1 trees.

2 Q. How close would it have been to the
3 plum trees?

4 A. About a hundred yards, something like
5 that.

6 Q. Was there any dumping that had occurred
7 among or immediately adjacent to those plum trees?

8 A. Yes.

9 Q. How close to the plum trees would the
10 dumping have been?

11 A. I would say a hundred yard or more.

12 Q. You are saying that, are you saying
13 that there would have been no dumping within one
14 hundred yards of the plum trees?

15 A. Oh, I thought you asked me was there
16 any dumping within a hundred yards of the plum
17 trees.

18 Q. Let me back up and start again. You
19 have testified that you dumped approximately 100
20 yards from the plum trees; is that correct?

21 A. I didn't say how many yards I dumped.

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1 I said I dumped on the, on that side, west side of
2 the plum trees.

3 Q. How close did you dump to the plum
4 trees themselves?

5 A. From the south? I don't understand.

6 Q. How far would you have been from the
7 plum trees when you dumped your load?

8 A. On the landfill?

9 Q. Yes.

10 A. I would say a hundred yards.

11 Q. Was there any dumping going on that was
12 closer to the plum trees than a hundred yards?

13 A. No.

14 Q. Was there any, had any dumping occurred
15 that you could see that was closer than 100 yards
16 to those plum trees?

17 A. Yes.

18 Q. What was the closest that the evidence
19 of dumping was to the plum trees, that you recall?

20 A. I would say a hundred yards.

21 Q. Okay. To your knowledge, are you

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1 familiar with an institution called Baltimore City
2 Hospitals?

3 A. Yes.

4 Q. Do you know where that is located?

5 A. Yes.

6 Q. To your knowledge, was Baltimore City
7 Hospitals a customer or Robb Tyler prior to the
8 closing of the Sauer Landfill?

9 A. I don't know.

10 Q. Are you familiar with the disposal
11 practices of City Hospitals?

12 A. Then or now?

13 Q. Then.

14 A. I don't know.

15 Q. Did Robb Tyler perform disposal
16 services for any other hospitals?

17 A. As far as I know, I don't know, you
18 know.

19 Q. Do you have any knowledge of the
20 disposal of any waste material by the City of
21 Baltimore at the Sauer Landfill?

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1 A. By the City of Baltimore?

2 Q. Right. City employees.

3 A. I don't know. I never, like I said, I
4 worked west Baltimore. That is in east
5 Baltimore.

6 Q. So you have no knowledge?

7 A. I have never seen a City truck in
8 there.

9 Q. Do you have any knowledge of the
10 disposal of waste materials generated by the City
11 of Baltimore? By that, I mean the City government
12 as opposed to people within the city; do you have
13 any knowledge of disposal of waste materials
14 generated by the City of Baltimore, by anyone else
15 at the Sauer Landfill?

16 A. No.

17 Q. You testified earlier that the Rosedale
18 Landfill was closest to your home; is that
19 correct?

20 A. Correct.

21 Q. Did the fact that it was closest to

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1 your home have any impact on where you would dump
2 certain loads of waste?

3 A. I can't say where being closer to my
4 home would have an effect where I dumped trash
5 at.

6 Q. Would you, for example, did you
7 sometimes take the last load of the day to the
8 Rosedale Landfill because it was closest to your
9 home?

10 A. I don't see where that affect me and my
11 job between my home and the landfill. Because I,
12 like I say, I worked the west side of town. I am
13 working, you are a city man so you know where
14 Patapsco Avenue is. I live in east Baltimore, I
15 work in west Baltimore. So I don't know what you
16 are talking about.

17 Q. Whenever you would pick up the last
18 load of the day, rather than going back to the
19 Reedbird Landfill, would you sometimes head back
20 to the landfill on Pulaski Highway so as to be
21 nearer your home when you completed your work?

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1 A. No, because I wouldn't pick up a load
2 and leave west Baltimore and haul the load over to
3 east Baltimore because it was close to home. I
4 dump my last load over in west Baltimore.

5 Q. I was unclear as to your answer to this
6 earlier. Was the Rosedale Landfill closed on
7 Saturdays prior to it finally closing in 1969?
8 Was it closed or open on Saturdays?

9 A. When it closed, it closed for good.

10 Q. But prior to that, was it closed or
11 opened on Saturdays?

12 A. I think when it was closed it was
13 closed all day, every day.

14 MR. RYAN: Right before it closed in
15 the '60s, like in 1965 or so.

16 A. You mean was it open in 1965 before it
17 closed for good?

18 Q. Right.

19 A. Well, sure, it was open on Saturday. I
20 didn't understand your question.

21 Q. That is quite all right.

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1 You referred to dumping in a hole
2 created by a bulldozer when you were dumping at
3 the Sauer Landfill; do you recall that?

4 A. Yes, sir.

5 Q. How large a hole are we talking about?
6 Are we talking about one that was created
7 specifically for what you were dumping at that
8 time?

9 A. I can't say how large the hole was.
10 All I know, it was a hole, I mean, big enough to
11 dump a load in, two or three trucks could dump in
12 it and they would cover it.

13 Q. So it would be big enough for two or
14 three trucks to dump?

15 A. Yes.

16 Q. Do you recall having dumped in a hole
17 at the Sauer Landfill that might have been 20 feet
18 deep, 30 feet wide, and 100 feet long?

19 A. I could have.

20 Q. Do you recall having done that?

21 A. I say I could have. I wouldn't say for

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1 sure.

2 Q. Would you have recalled having seen a
3 hole that large on the Sauer Landfill?

4 MR. RYAN: Objection, calls for
5 speculation.

6 A. No, I never seen a hole that big.

7 Q. I am sorry?

8 A. No.

9 Q. You don't recall having seen one that
10 big?

11 A. No, sir, as far as I remember, no.

12 Q. Do you recall having, whether every
13 load that you dumped at the Sauer Landfill was
14 dumped next to Mr. Smith's bulldozer or were some,
15 could some have been dumped next to bulldozers
16 operated by other individuals?

17 A. As far as I can remember, most of the
18 loads I dumped, all except one, was dumped next to
19 Mr. Smith's bulldozer.

20 Q. You said all but one?

21 A. Yes.

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1 Q. Do you recall where the other one was
2 dumped?

3 A. I dumped that one load over there next
4 to the plum trees.

5 Q. All right, that is the one between a
6 hundred or approximately a hundred yards away from
7 the plum trees?

8 A. Yes.

9 Q. On page 103, line 16 of your
10 transcript, the word "college" appears. I realize
11 this is in a question rather than your answer, but
12 do you happen to recall what that word was
13 supposed to have been?

14 A. No, I can't.

15 MR. GRUMMER: I will note for the
16 record when I studied this transcript, there are
17 quite a number of mistranscriptions in this
18 transcript. They appear to be phonetically close
19 to some words I am able to discern, but having
20 studied this, there are quite a number of
21 mistranscriptions and I am pretty sure that is

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1 what this is.

2 Q. Do you recall there was a point where,
3 when you were coming in on the entrance road to
4 the landfill from Kane Street, there was a point
5 at which you turned into the dump itself after
6 receiving a ticket; do you recall that?

7 A. Yes, I recall that.

8 Q. From that point to the furthest end of
9 the dump, can you estimate how many city blocks
10 that would have been?

11 MR. RYAN: Dan, you mean when he got
12 his ticket or when he actually got to the landfill
13 area? From the second he got his ticket?

14 Q. Right to the furthest point of the
15 dump, do you recall how many city blocks that
16 would have been?

17 A. I would say a block.

18 Q. It would have been one block?

19 A. I would say, but I am not going to say
20 for sure it was a block. I just don't know how
21 far it was. It has been a long time.

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1 Q. And are you able to estimate what the
2 width of the entire landfill would have been at
3 its widest point? Again, if we are standing at
4 that point looking lengthwise, what would the
5 width have been in terms of city blocks? Are you
6 able to estimate?

7 MR. RYAN: He doesn't want your
8 speculation, but if you have got a reasonable
9 statement to make, go ahead.

10 A. I would say a block and a half.

11 MR. MASUR: I don't have anything
12 further.

13 EXAMINATION BY MR. BLEICHER:

14 Q. Getting to be a long day, right?
15 Harder for you than the rest of us. Glad no one
16 is asking me about what I remember in 1969.

17 My name is Sam Bleicher, I am counsel
18 for Allied-Signal which is the successor
19 corporation to what you referred to as Allied
20 Chemical.

21 There are several pieces that I would

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1 like to cover with you because your testimony is
2 very important to our client, so let me try to go
3 through these a piece at a time.

4 First of all, you have talked several
5 times about having worked in west Baltimore as
6 opposed to east Baltimore. Let me start with a
7 simple question. Where did you start work in the
8 morning? You drove to work in 1960s?

9 A. I drive to work.

10 Q. Did you drive to work?

11 A. Sure.

12 Q. Where did you start work, where did you
13 pick up the truck?

14 A. I picked up my truck at 68th Street and
15 Pulaski Highway.

16 Q. So you picked up your truck in east
17 Baltimore?

18 A. Right.

19 Q. And then you returned your truck there
20 at the end of the day?

21 A. Right.

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1 Q. And when you worked on Saturdays, did
2 you do the same thing?

3 A. Right.

4 Q. When you talk about having worked in
5 west Baltimore, what would you describe as the
6 dividing line between east Baltimore and west
7 Baltimore? Is there some, was there some
8 particular street or some line that you would
9 point at as being a place where people referred to
10 one side as east Baltimore and the other as west
11 Baltimore? I am not talking about what the city
12 street system is, I am talking about how Robb
13 Tyler drivers divided it up.

14 A. I don't know. Well, we call anything
15 past, through the tunnel and Hanover Street, we
16 call it west side, and we call one side east side
17 and one side west side.

18 Q. You know that Mr. Jendras was here
19 yesterday and we talked to him about these
20 matters.

21 A. I know he was here, but the matter, I

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1 don't know.

2 Q. Well, that is fine. Yesterday Mr.
3 Jendras suggested that Conkling Street was the
4 division between east Baltimore and west Baltimore
5 as far as he was concerned in dealing with in
6 terms of how Robb Tyler people thought of the
7 city.

8 MR. GRUMMER: I object to that
9 question. I am not certain that that is what he
10 ended up testifying.

11 MR. RYAN: I was going to say I am not
12 sure that is a real accurate characterization of
13 it.

14 MR. GRUMMER: There was some confusion
15 whether he was referring to the city system or his
16 own personal system, dividing the city.

17 MR. BLEICHER: Off the record.

18 (Discussion off the record.)

19 MR. BLEICHER: Back on the record.

20 Q. Mr. Ragsdale, this is a map, it was
21 Jendras Exhibit 12, it is a map of a portion of

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1 the City of Baltimore. I think you will recognize
2 it when you take a look at it.

3 A. What do you want to know? The
4 difference between --

5 Q. I didn't ask any questions yet, I just
6 want you to look at it. I assume you are familiar
7 with that part of the city?

8 A. This is Conkling Street. Bank Street
9 and Block Street.

10 Q. What is it that is at Block Street,
11 what is that patch that is marked in yellow there
12 at Block Street?

13 A. This is where Allied Chemical was.
14 Block and Thames.

15 Q. Would you say that the Allied
16 Chemical's plant was in west Baltimore, when you
17 describe yourself as a west Baltimore driver, or
18 in east Baltimore?

19 A. I would say Allied Chemical sits in
20 south Baltimore.

21 Q. South Baltimore. And where would you

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1 say waste from that plant would probably have been
2 taken normally?

3 A. Taken to Rosedale or Sauer.

4 Q. So it would have been taken to the east
5 Baltimore landfills?

6 A. Right.

7 Q. All right. Would any of its wastes
8 have been taken to Reedbird, would people ever do
9 that?

10 MR. RYAN: If you know.

11 A. I don't understand.

12 Q. Would anyone take waste from there to
13 Reedbird for Robb Tyler, do you think, or would
14 they not go in that direction?

15 A. I don't think they would have went in
16 that direction.

17 Q. All right. With that Allied, anyway
18 now, I am confused on what kind of a truck you
19 were driving in 1969 and I wondered if you could
20 tell me what kind of truck you were driving in
21 1969. When you were going to Sauer's landfill,

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1 what kind of truck did you drive?

2 A. I was driving a Dino.

3 Q. A Dino?

4 A. Yes, that is what they called it.

5 Difference between a roll-off and a Dino is a Dino
6 has a bell bar, it works by fluid. A roll-off
7 works by cable; both trash trucks, but the
8 operations are different.

9 Q. But a Dino is not a front-end loader?

10 A. No.

11 Q. All right, and this is 1969 we are
12 talking?

13 A. Yes.

14 Q. I asked, because if you will take a
15 look at your affidavit, paragraph 3, the second
16 sentence, then if you will take a look at page 18
17 of Exhibit 2 --

18 MR. RYAN: Page 18.

19 Q. Page 18 of Exhibit 2, lines 16 and 17,
20 let me read it into the record. It says:

21 "Question: Were you driving a

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1 roll-off?

2 "Answer: A roll-off."

3 And the second sentence of paragraph 3
4 of your affidavit says: "I drove roll-offs in
5 1966 and 1967. After 1967 I drove only front-end
6 loaders."

7 MR. RYAN: I think they are talking
8 about on page 18 it looks like he is referring to
9 his time at General Motors that he is talking
10 about the roll-off.

11 Q. But this is about the time you were
12 going to Sauer's, Sauer's dump, on page 18 of the
13 affidavit?

14 MR. RYAN: Is the question when he was
15 going to General Motors to pick up, is that about
16 the same time he was going to Sauer's?

17 MR. BLEICHER: Yes, I assumed that that
18 was --

19 A. Well, I --

20 Q. Well, let me just ask the question
21 again. What, were you driving a front-end loader

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1 after 1967?

2 A. That was in 1967?

3 Q. Yes.

4 A. Yes, we drove front-end after 1967. We
5 still do drive them. We got a regular truck as
6 our regular, but he can put on any truck as long
7 as you are able to operate it.

8 Q. So you might have driven both kinds of
9 trucks in 1969?

10 A. I drove them all, yes.

11 Q. So it is not quite correct to say you
12 drove only front-end loaders?

13 A. Yes. After '67.

14 Q. Do you remember what kind of a truck
15 Mr. Jendras drove at that period of time?

16 MR. RYAN: The time when Sauer's dump
17 was --

18 Q. Yes, in 1969, for the most part, I
19 guess I will be asking about 1969 as the period.

20 A. When Mr. Larry Jendras drove?

21 Q. Yes.

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1 A. I think he called that thing a lugger
2 or something like that. There may be another name
3 but -- dumpster.

4 Q. Did it pick up the same kinds of
5 containers that the Dino picked up?

6 A. No.

7 Q. All right. What size containers did it
8 pick up?

9 A. I think the thing that Larry was
10 driving picked up anywhere from the 10 to a 12-
11 yarder.

12 Q. All right. Could he have picked up a
13 40-yard box with his truck?

14 A. No. He couldn't have never picked up a
15 40 box with his truck.

16 Q. Thank you. Again, talking about 1969,
17 you had a regular set of customers that you, a
18 regular list of people that you went to see week
19 after week?

20 A. Sure.

21 Q. All right, and sometimes the dispatcher

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1 told you to make special stops? Or did you
2 sometimes make other stops besides those?

3 A. Sure, yes, after you complete your
4 regular ones, then he send you somewhere else.

5 Q. All right. Would you say that half of
6 your time was spent with your regular customers
7 and half with special customers or --

8 A. I couldn't say. Over half of the time
9 I spend with my regular customers.

10 Q. Nearly all of your time or --

11 A. Nearly all of my time.

12 Q. Nearly all of your time, all right.

13 What about on Saturdays, was that true on
14 Saturdays as well? Or were Saturdays different?

15 A. Well, can I put it this away? We don't
16 have no time with no customer. We worked until
17 the job is finished. Over. We don't have no set
18 time to be off. We start early, 9 o'clock at
19 night, you working until 9 o'clock the next time.
20 Ain't no special time when you working with
21 trash.

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1 Q. Okay, but I guess I am trying to get at
2 the fact that as I understand what you are saying,
3 most of your time was spent with what you would
4 call your regular customers and then if you had
5 some extra time, the dispatcher, or if the
6 dispatcher had a special call, he might just give
7 that to you and say --

8 A. Right.

9 Q. -- do that too?

10 A. That is what I am talking about.

11 Q. Was the Allied Chemical plant a regular
12 customer of yours?

13 A. Not the one on Block Street.

14 Q. All right.

15 A. The other one were.

16 Q. Where was the other one?

17 A. Hanover and Race Street.

18 Q. Maybe you ought to look at the map
19 again, can you point that out?

20 MR. RYAN: Can you point it out where
21 it is on the map?

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1 Q. Actually Race Street is marked on that
2 map in yellow.

3 MR. RYAN: Looks like Race there.

4 A. Yes, Hanover and Race.

5 Q. Do you know what is there now?

6 A. They tore down, let's see. They got
7 some buildings, I forgot what is in there now,
8 milk and meat and all that stuff back in there.

9 Q. When you picked up that plant, where
10 did you take the waste?

11 A. Took it to Reedbird.

12 Q. And you did not take waste from that
13 plant to Sauer's dump?

14 A. No, I didn't take it way over there.

15 Q. Good, thank you.

16 All right, so now let's talk about the
17 Block Street plant. Was that, that was not a
18 regular customer of yours?

19 A. Not a regular customer.

20 Q. When was the first time you went
21 there? Can you remember the first time you went

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1 to that plant?

2 A. No, but it was on a Saturday. I don't
3 know what day, what month, what time.

4 Q. How many times would you say you were
5 there altogether? I mean, is it five or ten or
6 fifty or a hundred?

7 A. I might have been there 25, 30 times.

8 Q. All right. Did you go there when the
9 Rosedale plant, when the Rosedale Landfill was
10 still open?

11 A. Yes.

12 Q. And could you just describe what you
13 did when you got there. I mean, how did you
14 proceed when you got there, where was the box, how
15 did you handle it, what kind of truck were you
16 driving? Just sort of tell me the story.

17 A. When you first get there, you had to go
18 to the gate and you blow your horn and either the
19 guard come up and take your name, license tag.
20 You would pull around, go around to the back and
21 pick the can up, come back out. And go on and

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1 take it to the landfill and dump it and bring it
2 back.

3 Q. When you said you would go around to
4 the box, can you describe more precisely where the
5 box was located?

6 A. Box was located on the east side of the
7 plant.

8 Q. On the east side of the plant. Close
9 to the gate?

10 A. You go in the gate, pick up your, I
11 mean, the guard sign you in.

12 Q. What way are you facing when you go in
13 the gate?

14 A. South to me.

15 Q. South to you. Okay.

16 A. I get my bearings mixed up. But you go
17 in the gate, you be headed south, you go down and
18 make a left and then you head east, and then the
19 box is on the right-hand side.

20 Q. Okay. On the right-hand side, all
21 right. And how big a box was it?

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1 A. A 40-yard compactor.

2 Q. 40-yard compactor. All right. And was
3 that box at the water's edge? Was it near the
4 water?

5 A. Yes. Next to the water. Not near the
6 water. Next to the water. You could see the
7 water.

8 Q. Okay. Did you usually go, do you know
9 whose pickup that was regularly or was it a
10 regularly scheduled stop?

11 A. It could have been regularly scheduled,
12 but I wouldn't know whose it was.

13 Q. You don't know whether it was a
14 regularly scheduled stop or not?

15 A. No, I don't.

16 Q. Did you go more often than once a week
17 when you were going or was this usually a month
18 apart or two months apart? Do you have any sense
19 of -- was it frequent when you went?

20 A. I would go whenever the dispatcher
21 dispatched me there. Could be once a week. Most

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1 time it was but once a week on Saturdays
2 sometimes. Like I said, I didn't worked that side
3 of town.

4 Q. During the four-month period when the
5 Sauer's dump was, when you were hauling to the
6 Sauer's dump and the Rosedale dump was empty, was
7 closed I mean, how many times did you go to
8 Allied, do you think?

9 A. About one time.

10 Q. About one time. All right. And when
11 you went to the Sauer Landfill, you didn't go more
12 than, did you take more than one load at a time?
13 Or you had to pick up a load and take it and dump
14 it and come back, right?

15 A. Pick up a load, dump it and bring it
16 back.

17 Q. So you only handled one customer at a
18 time?

19 A. Right.

20 Q. You have testified, that is another
21 matter I wanted to explore with you, you said

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1 today that you went no more than six times to
2 Sauer's landfill altogether?

3 A. Altogether.

4 Q. If you turn to page 28, I believe, I am
5 starting at line 12 and I will read to the top of
6 the next page.

7 "Question: So during the three or
8 four-month period you went there, when they told
9 you to, by that, would you mean the dispatcher
10 told you to?

11 "Answer: Yes.

12 "Question: How often would that
13 happen?

14 "Answer: Like I said, three or four
15 times I went there.

16 "Question: Three or four times during
17 the entire three or four-month period?

18 "Answer: Yes. What I am saying, if
19 they told me to put a load of rubber to Sauer
20 Landfill, that is what I would do."

21 There is further discussion which I

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1 think confuses the point. But you have said here
2 that you went only three or four times?

3 MR. GRUMMER: I am going to object
4 because I think that later discussion indicates
5 something different. I don't, I do remember
6 asking these questions myself and --

7 MR. BLEICHER: You didn't like the
8 answer you got the first time, so you asked more
9 questions. You want me to read more of it in the
10 record?

11 MR. RYAN: Why don't you just ask him
12 if he thinks it was three or four.

13 Q. Do you think it was three or four times
14 or six times?

15 A. I think it was six times.

16 Q. In any case, you don't think it was
17 more than six times?

18 A. Not no more than six times.

19 Q. All right, and you have identified four
20 companies that you hauled; isn't that right? You
21 have identified Pemco that you took a load to

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1 Sauer's, and Crown Cork and Seal you mentioned
2 earlier today?

3 A. Right.

4 Q. And Rubberoid, and Allied?

5 A. Right.

6 Q. So out of six trips, you picked up four
7 different companies?

8 A. I just couldn't remember the other ones
9 that I took, but I know it wasn't no more than
10 four times.

11 Q. And you said you took Allied only once?

12 A. One time.

13 Q. Can you remember what was in that one
14 load you took to Sauer's dump?

15 A. Bags, pallets, and stuff like that.
16 What I mean, stuff like that, dirt and trash.

17 Q. That is fine. All right, it was not
18 material that came from the manufacturing process
19 at the plant, it was not ore or chemicals or
20 material like that?

21 MR. RYAN: Objection, calls for

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1 speculation.

2 MR. GRUMMER: Object, compound and
3 leading.

4 Q. You may answer.

5 MR. RYAN: If you know.

6 A. No.

7 Q. And it was not in a ten-yard or an
8 eight-yard container?

9 A. In a 40-yard container.

10 Q. Thank you. Let's, I know you have
11 already been over this ground somewhat, but let's
12 talk a little bit more about what you did when you
13 got to the Sauer Landfill. You have described a
14 couple of times that there was a spotter who told
15 you where to empty your truck.

16 A. Right.

17 Q. The one time that you mentioned earlier
18 to the question just a few moments ago about
19 having dumped near the plum trees, a hundred yards
20 from the plum trees, did the spotter tell you to
21 dump there?

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1 A. No, wasn't a spotter over there. Just
2 a dozer over there.

3 Q. Did someone tell you to dump there?

4 A. Yes, there was a guy on the dozer did.
5 The name I don't know.

6 Q. Was that Mr. Smith?

7 A. No. Wasn't Mr. Smith.

8 Q. So at least one time you dumped
9 someplace other than -- this one time you dumped
10 someplace other than Mr. Smith --

11 A. That one time.

12 Q. Do you remember that there was a road
13 leading through the landfill that you took your
14 truck on after you passed the gate?

15 A. It was a dirt road, but I don't know
16 what it was. It was some kind of road.

17 Q. When you say you dumped near the plum
18 trees, you turned left off the road to go in that
19 direction?

20 A. Yes.

21 Q. Did you go very far off the road?

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1 A. No.

2 Q. If you can picture the landfill in your
3 mind, can you also try to picture where Lombard
4 Street is now in relation to where you were?

5 MR. GRUMMER: Objection, vague.

6 MR. BLEICHER: I am asking him if he
7 can imagine that. He has made a statement about
8 it in his affidavit.

9 MR. GRUMMER: Objection. To the extent
10 you are asking him to imagine something, you are
11 by definition asking for speculation.

12 A. I can't.

13 Q. You can't. All right. In your
14 affidavit in paragraph 6, why don't you read
15 through the whole paragraph, but I am particularly
16 interested in the last sentence.

17 MR. RYAN: He is ready, Sam.

18 Q. In light of what you have just said,
19 can you say with any confidence that you, that the
20 dumping took place on both sides of what is now
21 Lombard Street?

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1 MR. RYAN: General dumping or his own
2 dumping?

3 A. No, I -- because I don't know the name
4 of that street. Lombard Street wasn't there
5 then. It was a little old dirt road then. I
6 called that Lombard Street but --

7 Q. When you said that, you meant on both
8 sides of the dirt road that you drove in on?

9 A. Yes.

10 Q. You don't know whether that
11 subsequently became Lombard Street?

12 A. I don't know.

13 Q. That is fine. I guess I have one other
14 question. During this four-month period you
15 mentioned that you picked up at Allied, do you
16 know if anyone else picked up at Allied during
17 that four-month period?

18 A. I can't say.

19 Q. The one load that you remember dropping
20 in the direction of the plum trees, do you
21 remember where that load came from?

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1 A. Not as of today, I can't. That has
2 been a long time.

3 Q. I understand that. I just thought if
4 you did, I would ask.

5 MR. BLEICHER: Thank you.

6 EXAMINATION BY MS. LARSON:

7 Q. Hi, Mr. Ragsdale. I am Nancy Larson, I
8 am an attorney here for Container Corporation of
9 America. I believe you recall some brief
10 testimony earlier today about Container
11 Corporation and waste from Container Corporation;
12 do you recall answering some questions about
13 Container Corporation this morning?

14 A. Yes.

15 Q. Okay, and you are familiar with the
16 Container Corporation site in Baltimore?

17 A. I am not familiar, but I have seen it.

18 Q. You have seen it.

19 A. Know where it is located.

20 Q. You have driven by there, then, I take
21 it?

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1 A. Yes.

2 Q. During the late '60s, did you drive by
3 there regularly?

4 A. Not too regularly, no.

5 Q. Would you say maybe once a month or
6 once a week?

7 A. About once a week.

8 Q. And you have testified earlier that
9 Container Corporation was a Sauer customer?

10 A. Yes.

11 Q. And how did you know that? How did you
12 know that?

13 A. Because I have seen the waste on his
14 truck.

15 Q. You saw Container Corporation waste on
16 the truck?

17 A. Yes.

18 Q. How did you know that the waste that
19 you saw was Container Corporation waste?

20 A. By the type of material that they
21 used.

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1 Q. And what type of material was that?

2 A. Ran out rolls of paper.

3 Q. Rolls of paper?

4 A. Yes.

5 Q. And rolls of paper was the only type of
6 waste that you saw that was Container Corporation
7 waste?

8 MR. GRUMMER: Objection, leading.

9 Q. You can go ahead and answer.

10 A. Yes.

11 Q. Did you see Sauer containers on
12 Container Corporation property?

13 A. Yes, I have seen them, Sauer containers
14 sitting on their property.

15 Q. Could you see the containers from the
16 road, driving by?

17 A. Let me see. Certain way you go where
18 you can see it. Yes, you can see it on the
19 corner, yes.

20 Q. And which corner would that be?

21 A. On the south corner of the building.

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1 Q. On the south corner of the building,
2 the building closest to the road?

3 A. Yes.

4 Q. And which road are you referring to
5 that you would see it from?

6 A. Eastern Avenue. No, Kane Street.

7 Q. Kane Street.

8 A. Uh-huh.

9 Q. And what color was the container?

10 A. It was all, Sauer had all kind of
11 containers. His was kind of brownish in Container
12 Corporation.

13 Q. Brass container?

14 A. Brownish.

15 Q. Brownish, I am sorry. About what size
16 was it, do you think?

17 A. I think it was around 30-yard.

18 Q. To your knowledge, did Sauer's, any of
19 Sauer's drivers ever dump at landfills other than
20 Sauer's landfill? For instance, did they go to
21 Rosedale?

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1 A. I don't know what Sauer drivers did, I
2 wasn't over there.

3 Q. You never saw Sauer's drivers dump
4 anywhere other than Sauer's landfill?

5 A. I saw them dump on Rosedale Landfill.

6 Q. Okay. Did you say, do you know whether
7 Container Corporation was a Robb Tyler customer,
8 ever?

9 A. I don't know that.

10 Q. Don't know. Do you know any other
11 Sauer customers, can you name any other Sauer
12 customers?

13 A. You mean besides Container?

14 Q. Besides Container.

15 A. As I said, Exxon.

16 Q. Exxon. And, okay. What kind of truck
17 did Michael Cefaloni drive, do you know, in the
18 late '60s?

19 A. He drove a lugger thing, I call it, and
20 he drove the roll-off. He drove two different
21 type trucks.

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1 Q. Would either of those types of trucks
2 be able to take the container that you saw at
3 Container Corporation?

4 A. Yes.

5 Q. Did you yourself ever pick up any trash
6 or waste from Container Corporation?

7 A. No. I was hired by Robb Tyler, not
8 Sauer.

9 Q. Okay. Did you ever see any Sauer
10 drivers at Container Corporation?

11 A. No.

12 Q. And the 30-yard container you saw at
13 Container Corporation, would that be the type of
14 container -- strike that. Could a truck carrying
15 a Container Corporation waste container carry
16 anybody else's waste. Or would that whole
17 container come onto the truck so the truck was
18 carrying only the Container Corporation
19 container? Do you understand that?

20 A. I think I understand what you talking
21 about.

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1 Q. Would it be, would a truck driver that
2 came to get the 30-yard container --

3 A. If another company had the same type
4 truck, yes, another company could pull it.

5 Q. But could a driver, after they picked
6 up the 30-yard container that you testified you
7 saw at Container Corporation, would a driver then
8 be able to pick up anybody else's trash after
9 getting that 30-yard container?

10 MR. RYAN: At the same time?

11 Q. At the same time?

12 A. No.

13 Q. Okay.

14 MS. LARSON: That is all, thank you.

15 MR. RYAN: Let's take a little break.

16 (Recess taken).

17 EXAMINATION BY MR. BRAGER:

18 Q. Hi, Mr. Ragsdale. I am Rob Brager, I
19 am an attorney representing Sweetheart Cup
20 Corporation, which you have also known as Maryland
21 Cup. I will just use the term Sweetheart Cup. It

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SINCE 1940

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1 is referring to the plant out on Reisterstown
2 Road.

3 Let me first ask you some questions
4 about Michael Cefaloni. The first question is how
5 many times, where did you see Mr. Cefaloni, other
6 than in a bar having drinks?

7 A. On the landfill.

8 Q. What landfill is that?

9 A. Rosedale.

10 Q. On the Rosedale Landfill. How often
11 would you say you saw him at the Rosedale
12 Landfill?

13 A. Whenever I get a chance to come over
14 there and pull a load, sometime he would be on the
15 landfills.

16 Q. He would be, was it your understanding
17 that he was on the landfill having dumped a load
18 there, or was he just on the landfill to BS?

19 A. He was dumping a load there.

20 Q. That he would have dumped a load there?

21 A. Yes.

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SINCE 1968

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1 Q. So if his testimony was that he never
2 dumped a load at the Rosedale Landfill, would you
3 believe that that testimony was inaccurate?

4 A. Yes.

5 Q. I believe you testified earlier that
6 Mr. Cefaloni would lie. Would that include
7 embellishing and making up stories?

8 A. Yes.

9 Q. Would you characterize that as part of
10 his personality?

11 A. Yes.

12 Q. So you did not intend to limit that to
13 instances in which he had consumed alcohol?

14 A. No.

15 Q. Mr. Ragsdale, correct me if I am wrong
16 at any point in this litany. I am sure you will.
17 You testified earlier that your regular run was on
18 the west side.

19 A. Right.

20 Q. And you testified earlier that during
21 your regular run you went to Reedbird?

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SINCE 1968

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1 A. Yes.

2 Q. And you testified that the Sweetheart
3 Cup Corporation plant was part of your regular
4 run. From 1967 until 1969 or so?

5 A. I didn't, I don't think I said from
6 1967 to 1969. I don't think I said that.

7 Q. Was there a time when the Maryland Cup
8 Corporation plant was on your regular run?

9 A. Yes.

10 Q. Okay. Now, if your regular run was on
11 the west side and your regular run went to
12 Reedbird, during that time when the Maryland Cup
13 plant was part of your regular run, where would
14 you have taken the waste?

15 A. Reedbird.

16 Q. So your earlier testimony, when you
17 thought you may have taken waste more to Rosedale
18 than to Reedbird, that was, you are now correcting
19 that testimony?

20 A. I never said I took more to Rosedale
21 than I did to Reedbird.

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1 Q. From the Maryland Cup plant. If you
2 didn't say that, that is fine. If I misheard
3 you --

4 A. I don't think I said that. I don't
5 think I did. I don't think I said that.

6 Q. But your recollection is that it would
7 have gone to Reedbird rather than to Rosedale?

8 MR. GUTTER: Objection.

9 A. To Reedbird.

10 Q. Do you know if there is a dump on
11 Marionsville Road?

12 A. Mariottsville Road?

13 Q. Yes, in Baltimore County?

14 A. Yes.

15 Q. Did you ever take waste up to that
16 dump?

17 A. In the '80s, yes.

18 Q. But not in the '70s?

19 A. Not in the '70s.

20 Q. And not in the '60s?

21 A. Not in the '60s.

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1 Q. Ever heard of a landfill called the
2 Texas Landfill?

3 A. I wouldn't call it the Texas Landfill.
4 It is a, something like this thing downtown here,
5 facilities, not a landfill, it is something, I
6 forget what you call it.

7 Q. Recycling facility?

8 A. Not recycling. I don't know what --
9 off York Road. I know where it is at.

10 Q. Did you ever take any waste there?

11 A. In the '90s.

12 Q. In the '90s, but not in the '70s or the
13 '60s?

14 A. Not in the '70s. In the '90s.

15 Q. Okay, I want to take you back in time
16 to when you went to the Maryland Cup -- I am going
17 to try anyway -- to when you went to the Maryland
18 Cup Corp. plant. You would turn in off Painters
19 Mill Road?

20 A. Make a left off Painters Mill Road.

21 Q. Okay. What would you do from there?

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1 A. Go down, and I think, I don't know
2 whether a light was there or not, but you make
3 another left and then go to the plant.

4 Q. You are now at the plant, looking at
5 the plant, pulling in the driveway. Where did you
6 pick up the waste?

7 A. On the east side of the building.

8 Q. Okay, and looking, when you drove in,
9 would you be looking at the north side?

10 A. When I drove in, I be looking at the
11 south side, I think.

12 Q. Let's try this again. You came across
13 Painters Mill Road, you made a left into the
14 plant. You are right. You are looking -- well,
15 you are looking south at the north side of the
16 plant; is that correct?

17 A. Yes.

18 MR. GUTTER: Objection. Counsel is
19 testifying.

20 MR. BRAGER: I am asking a question.
21 He can tell me if that is incorrect.

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1 A. You are right.

2 Q. That is not where the waste was
3 located, not at the side of the plant you are
4 looking at right when you pull in?

5 A. No.

6 Q. What would you have to do to get to
7 where the --

8 A. You make a left off Painters Mill, off
9 Reisterstown Road onto Painters Mill, and you go
10 down and make another left. Then you go to your
11 right, then to your left where the container was
12 at.

13 Q. And that is where the container was, in
14 the back?

15 A. Yes.

16 Q. Can you describe for me again the
17 container or containers that were back there.

18 A. We had a 40-yard compactor back there
19 and up toward the front of the building, north,
20 facing north, we had a 30-yard container up there,
21 open top.

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1 Q. 30-yard open top. On the north side of
2 the building?

3 A. Yes.

4 Q. Right, you would be looking at it as
5 you drove down the driveway coming in, you would
6 be facing that?

7 A. Yes.

8 Q. Do you recall the dates now, the dates
9 on which you picked up waste from Maryland Cup?

10 A. We had to pick up Maryland Cup twice a
11 day, every day, except Saturday, you would pick it
12 up once. But it was two of us picking it up. Two
13 guys picking it up.

14 Q. Who else picked it up?

15 A. The guy from the east side in the
16 morning and I would pick it up in the evening.

17 Q. Do you recall who else picked up the
18 waste?

19 A. Couldn't tell you who it was, I don't
20 know who it was.

21 Q. Do you recall what year this was?

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1 A. It was in the '70s.

2 Q. In the '70s.

3 A. Uh-huh.

4 Q. So to the extent that you testified
5 earlier, if you did, that it was in the '60s, that
6 was incorrect? It was in the '70s?

7 A. We picked it up in the '60s and the
8 '70s.

9 Q. It is my understanding from Maryland
10 Cup personnel that the compactor was installed in
11 1970.

12 MR. GUTTER: Objection.

13 Q. Do you have any reason to disagree with
14 that?

15 MR. GRUMMER: Objection, leading the
16 witness.

17 A. I don't know.

18 Q. You don't know whether you have a
19 reason or not to --

20 A. I don't know. I feel personally that
21 we pulled out of Maryland Cup in the '60s.

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1 Q. I am not suggesting that you didn't,
2 but is it possible that what you pulled out of
3 Maryland Cup in the '60s was from an open top and
4 not from a compactor?

5 A. It could have been open top.

6 Q. And then in the '70s, you pulled out
7 from a compactor?

8 A. Yes. Could have been that-a-way.

9 Q. Do you know how a compactor works,
10 generally?

11 A. There is four or five types of
12 compactors.

13 Q. Do you know how the compactor at
14 Maryland Cup Corp. worked?

15 A. We had a ram jet in that one.

16 Q. How did that work, generally?

17 A. You come to put the trash in the big
18 hole, you press the button and she pushes it in
19 the can.

20 Q. If you had a lot of cans of liquid in
21 there, what would happen?

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1 A. Smash it up.

2 Q. And what would happen to the liquid?

3 A. It would squirt all over everything in
4 there, I think.

5 Q. Do you know how?

6 A. It would run out, too.

7 Q. Run out all over the ground?

8 A. Yes.

9 Q. Do you know how often that happened?

10 A. Not too often. Only thing we have with
11 Maryland Cup was when we pull away from the ram
12 jet you know, the little paint stuff would be
13 mushed up in the back, and when you pull away from
14 the unit, they would be all down in the front of
15 the can and mess the can up.

16 Q. How often did that happen?

17 A. Twice a day.

18 Q. All the time from the '70s to the '80s
19 that continued to happen?

20 A. In the '60s and '70s, I didn't work up
21 there in the '80s.

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1 Q. So from the time they first got the
2 compactor until the time you worked at the plant,
3 there were, the compactor was periodically
4 squishing buckets of liquid?

5 A. Buckets of whatever you call it.

6 Q. Would you call it a liquid?

7 A. It would be, yes, it would be a
8 liquid. Yes.

9 Q. Okay.

10 Q. Do you know what paint thinner smells
11 like?

12 A. I have smelled it, but I don't know
13 what it smells like.

14 Q. Did this liquid smell like paint
15 thinner?

16 A. No.

17 Q. Do you know what ethyl alcohol smells
18 like, rubbing alcohol?

19 A. Yes.

20 Q. Did this liquid smell like rubbing
21 alcohol?

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1 A. No.

2 Q. Do you know what solvents smell like?

3 A. Yes, I have smelled solvents.

4 Q. Did this liquid smell like solvents?

5 A. No.

6 Q. Do you know what happens if flammable
7 liquids are put in a compactor?

8 A. They explode if they rub enough against
9 each other.

10 Q. You could have a compactor fire, could
11 you not?

12 A. Yes.

13 Q. Did that, to your knowledge, ever
14 happen at Maryland Cup?

15 A. Not at Maryland Cup, no.

16 Q. But it happened at other places?

17 A. I have seen it happen.

18 Q. Do you know who replaced you?

19 A. No, I don't.

20 Q. When you drove into the plant, looking
21 down at the north side of the plant, there is a

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1 loading dock there, is there not?

2 A. Yes.

3 Q. What was typically out on the loading
4 dock?

5 A. Trucks.

6 Q. Trucks?

7 A. Yes.

8 Q. Did you typically see piles of barrels
9 out on the loading dock?

10 A. I didn't pay that much attention. I
11 don't know.

12 Q. One way or the other?

13 A. I don't know.

14 Q. When you picked up waste from the
15 compactor at the back of the plant, did you ever
16 see barrels, 55-gallon barrels, in the back there?

17 A. No, I didn't see any.

18 MR. BRAGER: I am done, I have no
19 further questions.

20 EXAMINATION BY MR. CROWE:

21 Q. Mr. Ragsdale, my name is Tom Crowe, I

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1 represent PORI International, which is a company
2 that you didn't recall when you were asked
3 questions earlier this morning. As a result of
4 that, I just have a very few questions for you.

5 You went to work for Robb Tyler in
6 1965; is that correct?

7 A. Correct.

8 Q. And did I understand your testimony to
9 be that in 1971 Robb Tyler was taken over by
10 Browning-Ferris Industries?

11 A. As far as my recollection, yes.

12 Q. And when Robb Tyler was operating as
13 Robb Tyler, were all of its, were all of the cabs
14 in its trucks painted the same color?

15 A. Most of the time, yes. Most of the
16 time.

17 Q. And what was the color most of them
18 were?

19 A. Green.

20 Q. What shade of green?

21 A. Light green -- dark green.

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1 Q. Did those cabs have any writing on
2 them?

3 A. Yes, they did.

4 Q. Would you describe that writing for
5 me.

6 A. I call a logo.

7 Q. Like a logo, l-o-g-o?

8 A. Yes.

9 Q. Can you describe the logo?

10 A. "We never refuse refuse."

11 Q. And what color was the writing?

12 A. Green.

13 Q. So it was green writing on a green cab?

14 A. Wait a minute. Let me back up. It was
15 green, the door, the cab had "Robb Tyler," the
16 body had the logo on it. I had it backwards. The
17 body was white and the cab was green.

18 Q. The body of the truck was white and the
19 cab was green. You said that most of the Robb
20 Tyler trucks were painted that color. Can you
21 describe the appearance of any of the other

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1 trucks?

2 A. Some of them was all white. He had,
3 say, a flatbed, open top as you call it, and they
4 would be all white. He had a couple of those.

5 Q. Did those flatbeds have any writing on
6 them?

7 A. "Robb Tyler" and "never refuse
8 refuse."

9 Q. So the cab would have Robb Tyler on it
10 and the body would have "We never refuse refuse."

11 When BFI took over from Robb Tyler in
12 1971, did the appearance -- well, let me strike
13 that and let me ask another question.

14 There were some drivers who owned their
15 own cabs who drove for Robb Tyler; is that
16 correct?

17 A. I couldn't really say.

18 Q. Do you know Mr. Jendras?

19 A. Yes.

20 Q. Are you familiar with the cab that he
21 drove while he worked for Robb Tyler?

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1 A. He drove a GMC.

2 Q. And was that cab the dark green color
3 that you have described earlier?

4 A. It was green, but it wasn't dark
5 green.

6 Q. Did it have the same Robb Tyler
7 insignia on the cab and the "We never refuse
8 refuse" on the body?

9 A. I really don't know. I really don't
10 know. I didn't pay that much attention to it.

11 Q. When BFI took over Robb Tyler in 1971,
12 did the appearance of the cabs and the bodies
13 change?

14 A. It changed but it didn't change that
15 same year, I don't think.

16 Q. Were they still carrying the Robb Tyler
17 colors and logo for a period of time before they
18 switched?

19 A. A period of time.

20 Q. And do you know how long that in-
21 between period was?

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1 A. I don't know.

2 Q. And how did the BFI cabs appear after
3 they made the change-over?

4 A. All blue.

5 Q. Were you familiar with the trucks which
6 were owned by Sauer?

7 A. I have seen them, yes. I have seen
8 them.

9 Q. And when you were in the business and
10 they were in the business in the 1960s and the
11 early 1970s, were those cabs and trucks, did that
12 all appear the same?

13 A. Which one you talking about, Sauer's?

14 Q. Sauer's.

15 A. Yes.

16 Q. Were they generally the same color?

17 A. They were the same color.

18 Q. And what color were they?

19 A. Kind of rusty pink. Dirty-looking.

20 Q. Did those trucks or cabs have any
21 writings or insignias on them?

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1 A. They had a name on them. I think -- I
2 don't know. I am not going to say that. I don't
3 know.

4 Q. Well, you started to say that you
5 thought they had something written on them?

6 A. They had Sauer's on them.

7 Q. They had Sauer's. Are you familiar
8 with the name North Point Trash Removal?

9 A. No, I am not.

10 Q. You knew Mike Cefaloni -- did you know
11 Michael Cefaloni in the late 1960s and the early
12 1970s?

13 A. Yes, I think I did; yes, I do.

14 Q. How tall was Michael Cefaloni?

15 A. I would say Michael Cefaloni was six
16 foot three or something like that.

17 Q. And what was his weight or what was his
18 weight range in the late '60s and the early '70s?

19 MR. RYAN: If you can remember.

20 A. I don't know. I can't remember that.

21 Q. Do you recall what color hair he had

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1 then?

2 A. No.

3 MR. CROWE: Thank you. That is all
4 that I have.

5 EXAMINATION BY MR. JOSEPH:

6 Q. Mr. Ragsdale, my name is David Joseph
7 and I represent Crown Cork and Seal and HM
8 Holdings.

9 You have testified about Crown Cork and
10 Seal on what I count to be three or four occasions
11 today. The first two occasions that you testified
12 about Crown Cork and Seal, you emphatically stated
13 that Crown Cork and Seal, that, excuse me, that
14 you did pick up trash from Crown Cork and Seal. I
15 am not sure that you were familiar with, that you
16 remember how many times, but you did emphatically
17 state that you did pick up, and that you did not
18 take any of the trash to the Sauer's landfill; is
19 that correct?

20 MR. RYAN: I am going to object to the
21 characterization of his testimony as emphatic on

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1 not taking it to the dump.

2 MR. GUTTER: Objection.

3 Q. Did you or did you not state that you
4 did not take the trash that you picked up from
5 Crown --

6 MR. RYAN: I think the record will
7 reflect what he said the first time through.

8 Q. You can answer my question.

9 A. I can't remember exactly what I said.

10 Q. Okay, you can't remember. I believe it
11 was on Mr. Gutter's second chance to ask you
12 questions where you finally admitted that you took
13 trash to the Sauer's landfill from Crown Cork and
14 Seal. Did you or did you not ever take trash from
15 Crown Cork and Seal to the Sauer's landfill?

16 A. No.

17 MR. GUTTER: Objection.

18 MR. GRUMMER: Objection.

19 MR. GUTTER: Asked and answered.

20 MR. JOSEPH: He did. He said no.

21 Q. Earlier today you testified, this was

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1 this morning, about your definition of what is a
2 hazardous waste. Do you remember that?

3 A. I don't remember that.

4 Q. Okay. I believe Ms. Casano was
5 questioning whether or not you had a definition of
6 what is a hazardous waste, and I believe you said
7 that you considered a hazardous waste something
8 which was dangerous; is that correct?

9 A. I didn't say that. Somebody else might
10 have said that. I didn't say it.

11 Q. It may have been a leading question, I
12 am not sure.

13 MS. CASANO: What I asked him was if he
14 made any distinction between hazardous and
15 nonhazardous, and I defined hazardous as something
16 that was dangerous. That was my definition.

17 Q. So in response to a leading question,
18 you agree that a hazardous waste is something that
19 is dangerous; is that correct?

20 MR. GRUMMER: Object to the question.

21 A. That is right.

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SINCE 1806

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1 MR. JOSEPH: On what basis?

2 MR. GRUMMER: Leading.

3 Q. What is your definition of a hazardous
4 waste?

5 A. Something dangerous.

6 Q. Something dangerous.

7 Was there a distinction between types
8 of wastes during the '60s and '70s when you hauled
9 for Robb Tyler?

10 MR. RYAN: Whose? I mean what kind of
11 distinction?

12 Q. In your mind was a distinction between
13 hazardous waste and nonhazardous wastes made in
14 the '60s when you hauled for Robb Tyler?

15 MR. RYAN: He has already -- go ahead.

16 MR. JOSEPH: I don't think it is clear,
17 I think we should get this clarified.

18 A. Like I told you back, like I said, in
19 the '60s there was no, I mean it was hazardous
20 waste. When I hauled it, it was not. We would
21 haul anything, anything that would go in the can,

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1 you hauled it.

2 Q. And in your mind, was there ever, in
3 the '60s I am talking about, was there ever a
4 distinction made between something you were
5 hauling that was hazardous and something that was
6 not hazardous?

7 MR. RYAN: I want to clarify this. You
8 are asking him whether sometimes he picked
9 something up and thought it was dangerous and
10 other times he picked stuff up and he thought it
11 wasn't dangerous?

12 Q. Exactly.

13 A. Yes.

14 Q. You did make a distinction?

15 A. As far as, if we go to these chemical
16 places like that, you might find there is chemical
17 in there, we probably thought it was hazardous.

18 Q. Now, I am confining this question to
19 the period that ends in 1970, during the '60s, did
20 any customer tell you that waste you were picking
21 up were, in fact, dangerous?

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1 A. No.

2 Q. Did anybody at Robb Tyler ever tell you
3 that you may be picking up wastes which were
4 dangerous?

5 A. No.

6 Q. Did you, in fact, during the '60s ever
7 pick up wastes which you considered to be
8 dangerous?

9 A. I don't know.

10 Q. I want to refer you to Exhibit 2 of
11 your statement which was given. On page 97, line
12 13, I am going to read this into the record.
13 Actually starting at line 11:

14 "Question: Can you tell me anything
15 about what kind of waste you hauled from Pemco?

16 "Answer: Pemco was a chemical
17 corporation, and to my knowledge, it was hazardous
18 waste.

19 "Question: You saw it was?

20 "Answer: To my knowledge, I don't
21 know. It was all white, powdery stuff.

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1 "Question: You say it was white powdery
2 stuff?

3 "Answer: Yes, they make paint.

4 "Question: Pemco makes paint?

5 "Answer: Yes.

6 "QUESTION: Can you tell me anything
7 more about the materials you hauled.

8 "ANSWER: That's all I can tell you."

9 Was Pemco a regular customer of Robb
10 Tyler?

11 A. Yes.

12 Q. Were they a regular customer on your
13 route?

14 A. No.

15 Q. How many times did you pick up from
16 Pemco prior to 1970?

17 A. I don't know. Quite a few times. I
18 don't know.

19 Q. More than five?

20 A. I can't say. I don't know.

21 Q. If they weren't a regular customer, how

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1 did it come about that you made pickups from
2 Pemco?

3 A. Because you have to go where the
4 dispatcher dispatches you.

5 Q. Where is the Pemco plant located?

6 A. Eastern Avenue and, I forget the cross
7 street, across from City Hospital.

8 Q. Do you remember what the plant looks
9 like?

10 A. A big building.

11 Q. Can you describe the containers that,
12 or first, excuse me, strike that. Did Robb Tyler
13 have any containers at the Pemco plant?

14 A. Yes, he had two there.

15 Q. Could you describe the containers to
16 me, please.

17 A. Open top, 30-yard dumpsters, I mean
18 roll-off.

19 Q. And when you went to make the pickups
20 at Pemco, were you alone or were you normally
21 accompanied by somebody else?

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1 A. You were alone.

2 Q. Alone, okay. Was there a check-in gate
3 at Pemco?

4 A. It could have been, I don't know. It
5 could have been, I don't know.

6 Q. Okay. Do you remember the types of
7 trash that you picked up at Pemco?

8 A. It was bags and a lot of powdery
9 stuff.

10 Q. What did the powdery stuff look like?

11 A. It was white.

12 Q. Was it contained in anything?

13 A. It, bags had been usually cut open and
14 that stuff would be all in the can and sometimes --
15 that is that powdery stuff, more powdery stuff
16 than anything else.

17 Q. Anything else besides powdery stuff
18 that you can recall?

19 A. That is all I can see, bags and powdery
20 stuff.

21 Q. Did it smell, the powdery stuff?

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1 A. I don't know. No.

2 Q. Okay. Did anybody at Robb Tyler ever
3 tell you that you were going to be picking up
4 dangerous materials from Pemco?

5 A. No.

6 Q. In your statement, you state that
7 "Pemco was a chemical corporation and, to my
8 knowledge, it was hazardous waste." Why did you
9 say that it was hazardous waste?

10 A. All paint is hazardous waste.

11 Q. Excuse me?

12 A. I think all paint is hazardous waste.

13 Q. So is it true, is it true to say that
14 just because you were picking up from a paint
15 plant, you thought that the powder had to be
16 hazardous?

17 A. If they made paint out of it, yes.

18 Q. There was no other reason that you
19 thought it was hazardous?

20 A. I don't know any other -- no. Say that
21 again?

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1 Q. I don't mean to confuse you. I just
2 want to find out why you made the statement that
3 this was hazardous waste, and it is my
4 understanding that you made the statement because
5 you were picking up from a paint plant; is that
6 correct?

7 A. Yes.

8 Q. Okay. Was there anything else which
9 led you to make the statement that the white
10 powdery material or stuff was hazardous waste?

11 A. Most all paint companies has hazardous
12 waste.

13 Q. You also stated that you hauled this
14 powdery waste on one occasion to the Sauer's
15 landfill?

16 A. I did.

17 Q. Do you remember when you made the
18 delivery to the Sauer's landfill?

19 MR. RYAN: Other than the four-month
20 period he has already testified about?

21 Q. Is there anything specific about that

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1 one pickup that leads you to believe that you made
2 it to the Sauer Landfill during that four-month
3 period?

4 A. I took it down on Saturday morning, but
5 when, I don't know.

6 Q. So you picked it up Saturday morning?

7 A. Yes, within that three or four-month
8 period of time.

9 Q. Do you remember if you signed your
10 affidavit before you gave this statement?

11 A. This statement?

12 Q. The statement that was given on --

13 MR. ABRAMS: June 5.

14 Q. -- June 5. Was the affidavit typed and
15 signed before the statement was given?

16 A. I can't remember.

17 Q. Just what you remember, I don't want to
18 know dates or anything, I want to know what you
19 remember.

20 A. I remember signing it.

21 Q. Do you remember where you signed it?

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1 A. I signed it down in, I forget the name
2 of the place.

3 Q. Was it Washington?

4 A. I forget the name of the place.
5 Really, I don't know where I signed it at.

6 Q. Was it at a lawyer's office?

7 A. I think lawyers was there.

8 Q. You think a lawyer was there. Do you
9 remember what lawyer was there?

10 A. No, I don't.

11 Q. Was the lawyer that was there in this
12 room today?

13 A. I don't think so.

14 Q. You don't think so.

15 Was the same lawyer that gave you the
16 affidavit to sign one of the lawyers who took your
17 statement, that was present when they took your
18 statement taken on June 5.

19 MR. RYAN: If you remember.

20 A. I can't remember.

21 Q. When your statement was taken on June

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1 5, 1990, did any of the lawyers tell you that you
2 would have to reappear for a deposition?

3 A. Yes.

4 Q. They did tell you that?

5 A. Yes.

6 Q. Did any of the lawyers say anything to
7 you about Pemco or Crown Cork and Seal?

8 MR. RYAN: Let me interpose an
9 objection. Are you talking about on the record?

10 MR. JOSEPH: No, I am talking about
11 other than on the record.

12 MR. RYAN: You are talking including
13 BFI's attorneys?

14 MR. JOSEPH: No, I am not talking about
15 BFI's attorneys at this point. I don't want to
16 get into privileges, I am talking about other
17 attorneys.

18 MR. GUTTER: If this will help expedite
19 the matter, I was present throughout the on-the-
20 record interview of Mr. Ragsdale as is indicated
21 on the June 5, 1990 transcript. I will tell you

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1 that neither I nor any of the other lawyers there
2 had any sidebar conversations with Mr. Ragsdale in
3 my presence, so the only conversations he
4 conceivably could have had were with his own
5 counsel, and I just don't know why you are
6 badgering the witness.

7 MR. JOSEPH: I am not badgering the
8 witness. We were not present, we have a right to
9 know what went on. I don't believe this is
10 badgering by any stretch.

11 MR. GRUMMER: For the record, I would
12 make the same statement.

13 MR. JOSEPH: Fine.

14 MR. RYAN: You got a question, David,
15 or --

16 MR. JOSEPH: Give me one more second.
17 I don't have any further questions.
18 Thanks, Mr. Ragsdale.

19 MR. RYAN: Any other third party?
20 I got about four questions.

21 EXAMINATION BY MR. RYAN:

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1 Q. Mr. Ragsdale, you have testified about
2 having taken approximately six dumps to Sauer's
3 landfill; is that correct?

4 A. Correct.

5 Q. And you have talked in some detail
6 about one particular load you remember dumping
7 somewhere in the vicinity of some plum trees?

8 A. Correct.

9 Q. Where did the other five loads get
10 dumped?

11 A. Over in where Smitty was running the
12 bulldozer.

13 Q. And where was Smitty running the
14 bulldozer?

15 A. On the, near the railroad tracks.

16 Q. Okay.

17 MR. RYAN: I have no more questions.

18 MS. CASANO: I have some questions for
19 you.

20 EXAMINATION BY MS. CASANO:

21 Q. First is, rumor has it that you worked

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1 all night before you came here today?

2 A. Yes.

3 Q. You have been up a long time. If I
4 were you, I would be very tired. Are you tired?

5 A. I am tired now, yes.

6 Q. You seem to be holding up.

7 I would like to clarify something. I
8 believe that you testified in response to some
9 questions from me this morning that you did haul
10 waste from General Motors to Sauer's landfill
11 during the four-month period after Rosedale closed
12 and before Norris Farms opened, and then I believe
13 that you testified in response to questions from
14 Mr. Grummer that you never took General Motors
15 waste to Sauer's landfill.

16 I wanted to ask you is your subsequent
17 testimony in response to questions from Mr.
18 Grummer that you never took General Motors waste
19 to Sauer's landfill, is that correct?

20 A. That is correct.

21 Q. So if I were to ask you again now if

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1 you ever took waste from General Motors to Sauer's
2 landfill, your answer would be no?

3 A. No.

4 Q. Okay.

5 MR. BRAGER: Are you including in that
6 the four-month period?

7 Q. Yes, at any time ever, did you take
8 General Motors waste to Sauer's landfill?

9 A. No.

10 Q. Okay, and that includes any Saturday?

11 A. Never.

12 Q. Okay. You testified also that you
13 hauled large spools from the Western Electric
14 plant. Did those spools ever have any wire on
15 them?

16 MR. GUTTER: Objection, asked and
17 answered.

18 A. No, we never had no wire, just plain
19 spools, no wire.

20 Q. Did you ever notice any insulation
21 material with the spools?

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1 A. No insulation, only the wooden spool.

2 Q. You also testified that you saw Parker
3 dumping fly ash at Sauer's dump. Do you remember
4 where the fly ash was dumped?

5 A. I can't remember where. All I know, I
6 seen him dump on the dump.

7 Q. Do you know if it was dumped on the
8 roads at the dump?

9 A. It was dumped on the dump.

10 Q. I believe that you testified that you
11 drove into the dump on a dirt road. Did you stay
12 on a road the entire time you were at the
13 landfill?

14 MR. RYAN: On that same particular road
15 or on roads in general?

16 Q. Any road.

17 A. Oh, now, yes, they had, mostly when you
18 were going, they had cut-off roads for you to
19 drive through the dump there.

20 Q. So after you stopped at the shack,
21 would it be fair to say that sometimes you went

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1 straight ahead, sometimes you turned left,
2 sometimes you turned right?

3 A. Sometimes, right, you are right.

4 Q. You have been asked a number of
5 questions about plum trees, and we also talked a
6 little bit about trying to determine when Norris
7 Farm Landfill opened, and you indicated that you
8 thought it was late summer because there were
9 tomatoes and things growing at the farm. Do you
10 recall whether there were any plums on the plum
11 trees?

12 A. I can't, I don't know.

13 Q. How do you know that they were plum
14 trees?

15 A. I know a plum tree. I am a country
16 boy.

17 Q. You are a country boy. Can you
18 identify a tree from a hundred yards away or would
19 you have to be closer than that?

20 A. I can identify it. Now, within a
21 hundred yards.

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1 Q. You would be able to tell a plum tree,
2 say, from an apple tree or a peach tree or a pear
3 tree from a hundred yards away?

4 A. Sure.

5 Q. How would you do that? I know that I
6 could not do it.

7 A. Recognize it by the leaves on the tree.

8 Q. And you would be able to distinguish
9 those from a hundred yards away?

10 A. Yes.

11 Q. Last question about the plum trees, I
12 think. I might judge a hundred yards differently
13 than you would judge a hundred yards. However we
14 judge it, a hundred yards meant that you were,
15 when you say that you were within a hundred yards
16 of the plum trees, or a hundred yards away from
17 the plum trees, that was close enough that you
18 were able to distinguish the leaves of the plum
19 trees?

20 A. Yes.

21 Q. Okay. When was the last time that you

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1 saw Mr. Cefaloni?

2 A. I can't recall right now. I forgot. I
3 don't know. But it has been a pretty good while.

4 Q. Do you think it would have been in the
5 '70s?

6 A. It could have been, I don't know.

7 Q. Do you recall speaking with Mr.

8 Cefaloni at any time in the '80s?

9 A. No.

10 Q. Did you speak to Mr. Cefaloni at any
11 time in the '90s?

12 A. I forgot when he died, I don't know.

13 Q. He died last December.

14 A. I --

15 Q. You don't remember speaking to him in
16 '90 or '91?

17 A. No.

18 Q. Did you ever hear Mr. Cefaloni tell a
19 lie about something serious as opposed to, say,
20 telling a lie in the course of telling a story?

21 MR. RYAN: I am going to have to

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1 object. It is too vague and ambiguous. He
2 testified quite a bit about his conversations
3 already with Cefaloni. I don't know how much more
4 he can add to that, but if you can answer.

5 Q. You can answer.

6 A. I don't know.

7 Q. In your opinion, you have been asked
8 whether you thought Mr. Cefaloni was truthful or
9 not. In your opinion, would Mr. Cefaloni tell a
10 lie under oath, having sworn to tell the truth as
11 you did today?

12 MR. ABRAMS: Object to the form of the
13 question, calls for speculation.

14 Q. You can answer.

15 A. I don't know.

16 Q. I am not asking whether you know. I am
17 asking what your opinion is.

18 MR. ABRAMS: Objection, asked and
19 answered. Calls for speculation.

20 MR. RYAN: He just gave his opinion.

21 A. I don't know.

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1 MS. CASANO: I don't have any further
2 questions.

3 MS. MARKS: I don't have any further
4 questions.

5 EXAMINATION BY MR. GRUMMER:

6 Q. A while ago I believe you testified
7 that you saw Michael Cefaloni dump a load at
8 Rosedale?

9 A. Rose -- sure, I seen him, yes. Yes, I
10 have.

11 Q. Can you tell me how often you saw him
12 do that?

13 A. I can't tell you how often. But
14 sometime I would see him bring a load over there.
15 I see him on the landfill dumping a load, but I
16 can't tell you how often it was because I never
17 seen him that much.

18 Q. Do you know if Michael Cefaloni ever
19 hauled from Robb Tyler customers?

20 A. I couldn't say.

21 Q. You don't know if he did or if he

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1 didn't?

2 A. I don't know if he did or didn't. I
3 don't know.

4 Q. Can you remember whose containers he
5 was dumping when you saw him dump at Rosedale?

6 A. I don't know. It could have been
7 Sauer's, I don't know.

8 Q. Could it have been Robb Tyler's?

9 A. Could have been Robb Tyler's.

10 Q. I take it you simply don't remember?

11 A. I don't remember whose it was.

12 MR. GRUMMER: I don't have any other
13 questions.

14 MR. RYAN: Sam?

15 MR. GUTTER: No.

16 MR. RYAN: Ron?

17 MR. BYRD: No.

18 MR. BLEICHER: If I may, I will ask
19 them from here.

20 EXAMINATION BY MR. BLEICHER:

21 Q. I think these are easy questions for

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1 you.

2 You had said in your statement when you
3 were answering my question that you didn't take
4 material from the Race Street plant to Rosedale or
5 Sauer's landfill. Could you explain why you
6 wouldn't take, why you didn't take the material
7 there?

8 A. Because when I haul from the Race
9 Street, Allied Chemical's place, I wasn't but no
10 more than about five miles to the dump, so I went
11 over there and dumped it.

12 Q. From Reedbird. In other words, you
13 were much closer to the Reedbird?

14 A. To the Reedbird rather than Rosedale.

15 Q. So it wouldn't make sense to go that
16 other direction?

17 A. No.

18 Q. Thank you. This morning when you
19 talked about the Allied plant at Block and Wills,
20 you mentioned that the box that was there was a
21 40-yard compactor; is that correct?

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1 A. Correct.

2 Q. How did the compactor work? What kind
3 of compactor?

4 A. It worked by ram.

5 Q. And why do you use a compactor?

6 A. Use the compactor to eliminate, it
7 packs more trash and eliminate the trips to haul,
8 it is cheaper, I think.

9 Q. So it works when the material is bulky
10 and there is empty space?

11 A. Right.

12 Q. Boxes and bags and things that have,
13 that are loose?

14 A. It packs them together.

15 Q. You wouldn't use it for a solid
16 material; can you describe the kinds of materials
17 that you wouldn't use a compactor for?

18 A. You wouldn't use it for dirt and
19 powdery stuff and all kind, you wouldn't use it
20 for that. For paper, wood, something like that.

21 Q. So if someone had a compactor, it was

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1 because they had this bulky material that they
2 could crush and save space?

3 A. That is right.

4 MR. BLEICHER: That is all I have,
5 thank you.

6 EXAMINATION BY MR. ABRAMS:

7 Q. Mr. Ragsdale, you testified that Sauer
8 had light green containers and brownish
9 containers. Do you know if there are any other
10 color containers that Sauer had?

11 A. Those were the only two that I know of
12 that I have seen, the light greenish and brown.
13 The ones I seen them hauling.

14 MR. ABRAMS: Thank you.

15 EXAMINATION BY MR. MASUR:

16 Q. Mr. Ragsdale, you testified that you
17 always dumped near where Smitty was running;
18 except for the one time you dumped near the plum
19 trees, you always dumped near where Smitty's
20 bulldozer was?

21 A. The five times that I dumped, that is

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1 where I dumped, where Smitty was.

2 Q. On each of those occasions, was Mr.
3 Smith and his bulldozer in the exact same
4 location?

5 MR. RYAN: You mean exact same location
6 or generally the same?

7 MR. MASUR: General location.

8 A. General location, but he couldn't be in
9 the exact same location all the time.

10 Q. Would he sometimes be found in
11 different portions or different parts of the dump?

12 A. Like I said, generally in the general
13 vicinity of the dump.

14 Q. You testified about dumping occurring
15 on both the right and left side of the road
16 leading through the dump. Would you find Mr.
17 Smith and his bulldozer on both the right and left
18 side of that road?

19 A. No.

20 Q. What side would you find him on?

21 A. Find him on the north side, next to the

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1 railroad tracks.

2 Q. He would be in that vicinity?

3 A. Yes.

4 MR. MASUR: Okay.

5 THE REPORTER: Do you wish him to read
6 and sign it?

7 MR. RYAN: Yes.

8 THE REPORTER: You are taking a copy?

9 MR. RYAN: Yes.

10 THE REPORTER: Shall I send his
11 affidavit and signature page along with your
12 copy?

13 MR. RYAN: Yes.

14 THE REPORTER: Are you taking a copy?

15 MR. MASUR: Yes. And I want a disk.

16 THE REPORTER: Mr. Brager?

17 MR. BRAGER: Yes.

18 THE REPORTER: Mr. Brugge?

19 MR. BRUGGE: No thanks.

20 THE REPORTER: Mr. Gutter?

21 MR. GUTTER: I will take a copy and 3

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1 and a half inch Discovery ZX.

2 THE REPORTER: Mr. Grummer?

3 MR. GRUMMER: Yes. If we want a disk,
4 we will call that in.

5 THE REPORTER: Mr. Crowe?

6 MR. CROWE: Just a transcript for now.

7 THE REPORTER: Mr. Byrd?

8 MR. BYRD: Yes.

9 THE REPORTER: Mr. Karaba?

10 MR. KARABA: Yes. Transcript only.

11 THE REPORTER: Mr. Stewart?

12 MR. STEWART: Transcript.

13 THE REPORTER: Mr. Bleicher?

14 MR. BLEICHER: WordPerfect 511 disk. I
15 guess I might as well get the transcript.

16 THE REPORTER: Mr. Abrams?

17 MR. ABRAMS: Just the transcript for
18 now.

19 THE REPORTER: Mr. Lingan?

20 MR. LINGAN: Transcript only.

21 THE REPORTER: Ms. Marks?

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1 MS. MARKS: Just the transcript.

2 THE REPORTER: Mr. Joseph?

3 MR. JOSEPH: Transcript, please.

4 THE REPORTER: And you are going to
5 call me?

6 MR. HAUSMAN: Yes.

7 (Discussion off the record.)

8 MS. CASANO: The original and my disk.

9 THE REPORTER: What will happen to the
10 exhibits? Do you want me to do what I did with
11 Mr. Jendras's exhibits, take them and attach them
12 except just copy the cover page of Exhibit 2?

13 MR. GOLDMAN: Yes, I think that would
14 be appropriate.

15 (Examination concluded.)

16 -----

17

18

19

20

21

Andrew Lee Ragsdale, Sr.

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Date: December 10, 1991

To: J. Edgar Hoover

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Salomon Reporting Service

By: Jane Greenlee

Phone: 410/53-6760

Remarks:

lease attach the enclosed certificate
o your carbon copy of the deposition
f Andrew Ragsdale, taken on 9/20/91
n the case of USA vs. Azrael.

Salomon Reporting Service

SUITE 1700-COURT SQUARE BLDG #200 E LEXINGTON ST-BALTIMORE, MD 21202-OFFICE (301) 539-6760

ORIGINAL
(Red)

1 STATE OF MARYLAND

2 SS:

3 I, Triminie Shelton, a Notary Public of the
4 State of Maryland, do hereby certify that the within
5 named, ANDREW LEE RAGSDALE, SR., personally appeared before
6 me at the time and place herein set out, and after having
7 been duly sworn by me, was interrogated by counsel.

8 I further certify that the examination was
9 recorded stenographically by me and this transcript is
10 a true record of the proceedings.

11 I further certify that the stipulation contained
12 herein was entered into by counsel in my presence.

13 I further certify that on October 24, 1991 a carbon
14 copy and original signature page were sent to counsel; the
15 30-day reading and signing period having expired, and no
16 changes and corrections having been received, we are releasing
17 the original transcript without signature.

18 I further certify that I am not of counsel to
19 any of the parties, nor an employee of counsel, nor
20 related to any of the parties, nor in any way interested
21 in the outcome of this action.

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SINCE 1908

INC.

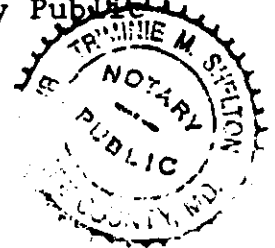
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ORIGINAL
(Red)

As witness my hand and notarial seal this

10th day of December, 1991.

Trinnie M. Shelton
Notary Public



My Commission Expires on July 1, 1994.

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INC.

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AFFIDAVIT OF ANDREW RAGSDALE

I, Andrew Ragsdale, being of full age and first duly sworn on oath, depose and state the following:

1. I reside at 2318 East Bittle Street, Baltimore, Maryland. I am currently employed as a driver by Browning-Ferris, Inc. ("BFI").

2. I was employed as a driver by Robb Tyler, Inc. on July 6, 1965.

3. I drove a rear end loader when I first went to work for Robb Tyler, Inc. I drove rollofs in 1966 and 1967. After 1967, I drove only front end loaders. My routes generally were on the West side of Baltimore. Accordingly, I primarily used the Patapco and Brooklyn landfills as well as a landfill located on Frankfurt Avenue.

4. I am familiar with the Sauer Landfill which was located near the intersection of Kane and North Point Road. I used the Sauer landfill sporadically throughout the late 1960's primarily on Saturdays or when the Rosedale Landfill was not available.

5. The Sauer Landfill had a shack at the entrance to the landfill where I received a gate receipt. There were no scales at the landfill but after I drove into the dump, someone was there to direct where to dump.

6. Dumping at the Sauer Landfill occurred over an extensive area between North Point and Patterson High School. Lombard Street or its predecessor did not cut through the landfill during the years of its operation. The dumping occurred on both sides of what is now Lombard Street.

7. Bohager hauled wastes to the Sauer Landfill. Bohager's trucks were red and white. Bohager basically had the same client base as Robb Tyler, Inc.

8. I hauled wastes from the Rubberoid plant to the Sauer Landfill. The wastes contained roofing material which Rubberoid manufactured.



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9. Bohager hauled for Western Electric in the 1960's. I specifically recall seeing green containers containing Western Electric waste on a Bohager truck at the landfill. Wires and wire casings were hanging over the edge of the truck. I do not know whether any chemicals were involved in the containers, although I think possibly they were.

10. General Motors hauled chemicals to the site. A General Motors' employee hauled barrels of solvents, paints, and sludge from the Chevrolet Plant to the Sauer Landfill. I do not recall the employee's name, but he was called "Chevrolet Ray". The employee drove a white dump truck and later a blue truck. Often the employee would dump the contents of the drums on the ground and take the drums back to the plant. Other times, he would dump the drums there.

11. Bohager hauled Baltimore Gas and Electric's waste in the early 60's.

12. Container Corp. was a major customer of Sauer.

13. Standard Oil was a customer of Sauer's. I saw Sauer containers on the Standard Oil property.

14. I specifically remember hauling waste from Pemco Paint to the Sauer Landfill. The Pemco waste consisted of barrels, dust, boxes and chemicals.

15. I recalled hauling wastes from Crown Cork & Seal to the Sauer Landfill; however, the waste consisted primarily of scrap cork. I do not recall hauling any sludges, drums, or chemicals from Crown Cork & Seal.

16. Robb Tyler, Inc. hauled waste from General Motors' Chevrolet plant located on the Browning Highway. It kept trucks at the plant twenty four hours a day and employed two shifts of drivers for this work. I do not remember exactly when this hauling occurred, but I believe it was before Browning-Ferris Industries acquired Robb Tyler, Inc. Robb Tyler, Inc. hauled primarily trash from the plant. I do not remember personally taking General Motor's waste to Sauer's.

17. I do not believe M&T Chemicals' waste went to the Sauer landfill. M&T was located on the south side, and therefore, the waste would have gone to the Reedbird Landfill.


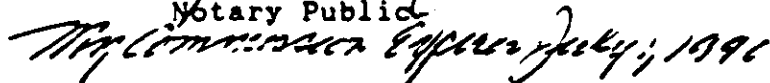
18. Allied Chemicals' wastes went to the Sauer Landfill. I specifically recall transporting waste from Allied to the Sauer Landfill, but I do not know the nature of the waste.

19. I hereby swear that the contents of this Affidavit are true and correct and are based on my personal knowledge.

Further Affiant Sayeth Not


Andrew Ragsdale

Sworn to and subscribed
before me this 3 day
of April, 1990.


Notary Public

My Commission Expires July, 1991

CONFIDENTIAL

CARBON COPY

S T A T E M E N T

STATEMENT OF ANDREW RAGSDALE, taken on
Tuesday, June 5, 1990, at 10:00 a.m., at 1302
Concourse Drive, Linthicum, Maryland, before E.
Duane Smith, Notary Public.

APPEARANCES:

Robert L. Gulley, Esquire,

William G. Beck, Esquire,

Gwen S. Walsh, Esquire,

On behalf of Browning

Ferris Industries

Samuel I. Gutter, Esquire,

On behalf of AT&T

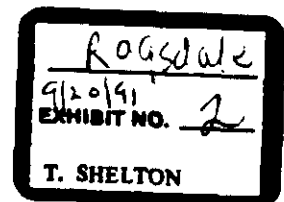
Mark E. Grummer, Esquire,

On behalf of General

Motors Corporation

Reported by:

E. Duane Smith



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